

March 1848

Camm
THE
JOURNAL

OF THE

COUNCIL OF CENSORS

OF THE

STATE OF VERMONT,

AT SAID OFFICE

IN

MONTPELIER AND BURLINGTON,

1848-9.

ALL RIGHTS RESERVED

BURLINGTON:

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JOURNAL.

FIRST SESSION, AT MONTPELIER.

SENATE CHAMBER, }
Wednesday, 7th June, 1848. }

The Council of Censors, elected on the last Wednesday of March, in the year of our Lord 1848, met in the Senate Chamber, at Montpelier, on the first Wednesday, being the 7th day of June, 1848, at 3 o'clock P. M., when the following named members appeared, produced their credentials, and took their seats, to wit :

CHARLES K. WILLIAMS,
WILLIAM HERBARD,
JAMES BELL,
IRA H. ALLEN,
AUGUSTUS BURT,
JOHN DEWEY,
KEYES P. COOL,
DAVID CRAWFORD,
JOHN N. POMEROY,
SALMON P. DUTTON and
HENRY P. JAMES.

The Council were called to order by Mr. BELL, and CHARLES K. WILLIAMS was elected President *pro tem*, and JOHN N. POMEROY, Secretary *pro tem*.

On motion of Mr. Dewey,

Resolved, That the Sergeant at Arms be requested to attend on the Council by himself or deputy.

On motion of Mr. Burt,

Resolved, That a Committee of Order be appointed by the Chair to draft rules for the government of the Council.

Mr. Pomroy, Mr. Herbard and Mr. Dutton, were appointed on this Committee.

On motion of Mr. Bell,

Resolved, That the Council adopt the rules of the last Council of Censors until new rules are prepared and adopted.

On motion of Mr. Dewey,

Resolved, That a Committee of three be appointed to receive and report on the Credentials of members.

Mr. Dewey, Mr. Bell, and Mr. Hart were appointed.

On motion of Mr. Dewey,

Resolved, That the President request some clergymen of this village to attend on the Council as Chaplain, and that the morning services of the Council be opened by prayer.

The petition of G. B. Armstrong and others requesting the Council to require, among other things, that the expediency of so amending the Constitution as to limit the amount of land hereafter to be acquired by purchase by any individual, and of amending those debts, hereafter to be contracted, a family homestead, was received, read and laid on the table.

On motion, the Council adjourned.

THURSDAY, 8th June, 1848.

Paper by Rev. Mr. Scott.

Journal of yesterday read and approved.

On motion of Mr. Hubbard,

Resolved That the Council do now proceed to the election of President and Secretary.

Whereupon the ballots having been taken and counted,

CHARLES E. WILLIAMS

was found to be unanimously elected President, and

JOHN N. POMEROY

was, in like manner, elected Secretary of the Council.

Mr. Pomroy, from the Committee on Rules, submitted the following Report:—which Report, on motion of Mr. Dewey, was laid on the table:—

To the Council of Censors:—

Your Committee, to whom was referred the duty of reporting Rules for the government of the Council, submit the following Report to wit:—

I. The Council shall meet every day (Sundays excepted) at 9 o'clock A. M., and at 2 o'clock P. M., unless otherwise ordered.

II. The President shall take the Chair at the hour to which the Council

slands adjourned, and call the Council in order for the prosecution of business.

III. All Committees shall be appointed by the President, but each appoints its clerk, on motion of a member, be created by the Council and the vacancy filled by the Council on nomination of a member, or when members may be added to any Committee by vote of the Council.

IV. No member shall absent himself from the services of the Council unless he shall have leave.

V. The yeas and nays may be taken and entered upon the journals, upon the call of a member.

VI. The following standing Committees shall be appointed, to wit:—

1st. A Committee of three to enquire whether the Constitution has been preserved inviolate during the last session; which shall be called the *Councils on the Powers of the Constitution*.

2d. A Committee of three to enquire whether the legislative branch of the government have performed their duties as guardians of the People, or assumed to themselves, or exercised other or greater powers than they are entitled to by the Constitution, and whether the laws generally have been duly executed; which shall be called the *Legislative Committee*.

3d. A Committee of three to enquire whether the Executive has assumed other or greater powers than the Constitution allows; which shall be called the *Executive Committee*.

4th. A Committee of three, who shall enquire whether the public taxes have been justly levied and collected, and in what manner the public money has been disposed of; which shall be called the *Committee on Taxation and Expenditures*.

VII. All motions shall, on request, of the President, be referred to writing.

VIII. A motion to adjourn shall be always in order.

IX. Motions on resolutions shall have precedence as follows:—

1st. To dissolve.

2d. To postpone to a day certain.

3d. To lie on the table.

4th. To amend.

5th. To agree.

Respectfully submitted by

JACOB N. POMEROY,

For Committee.

Senate Chamber, 25th June, 1843.

Mr. Bell introduced the following resolution :

Resolved, That a Committee of three be appointed to enquire into the constitutionality and expediency of the laws in relation to the School Fund ;

Which was read, and, on motion, was laid on the table.

Mr. Pomeroy introduced the following resolution :

Resolved, That it is expedient so to amend the Constitution of this State, as to secure to the people a more equal representation in the House of Representatives ;

Which was read and referred to a Committee of three members.

Mr. Dutton introduced the following resolution :

Resolved, That a Committee of three be appointed to enquire into the expediency of so amending the Constitution as to give the election of Assistant Judges of the County Courts, Justices, High Justices, and State's Attorneys, directly to the People of their respective Counties, and the election of the Judges of the Probate Courts directly to the Free-men of their respective Probate Districts ;

Which resolution was read and adopted.

Mr. Howard introduced the following resolution :

Resolved, That a Committee of three be appointed to enquire and report upon the expediency of so amending the Constitution that, hereafter, all amendments to the Constitution shall be proposed by the Senate of the State of Vermont, and their adoption submitted directly to the Free-men of the State, to be by them adopted or rejected,—under such regulations, and in such manner as shall be provided by law ; and, in that case, to abolish the Council of Censors ;

Which was read and adopted.

Mr. Drury introduced the following resolution :

Resolved, That it is expedient so to alter the Constitution of this State, as to give the choice of the Clerks of Courts to the Free-men of their respective Counties, and so as to give the choice of Registers of Probate to the Free-men of the several Probate Districts—or to provide for the election of these officers in the same manner that other County and Probate officers are chosen ;

Which was read and referred to the Committee to be raised on the resolution of Mr. Dutton relative to the election of County Officers.

Mr. Bart moved the re-consideration of the resolution of Mr. Dutton, which motion was laid on the table.

The Report of the Committee on Rules was, on motion of Mr. Pomeroy, taken up and after some discussion, accepted, and the Rules, as reported, adopted as the Rules of the Council.

On motion of Mr. Bell, the Council adjourned.

APPROPRIATE.

The Chair announced the appointment of the following Committees:—

On the resolution introduced by Mr. Pomeroy,

MR. POMEROY, MR. COOL and MR. ALLEN.

On the Powers of the Constitution,

MR. HEBARD, MR. CRAWFORD and MR. BURT.

On the Legislative Committee,

MR. DEWEY, MR. ALLEN and MR. DUTTON.

On the Executive Committee,

MR. ELL, MR. CRAWFORD and MR. JAMES.

On the Committee on Taxes and Expenditures,

MR. JAMES, MR. BURT and MR. COOL.

On the resolution introduced by Mr. Hebard,

MR. DUTTON, MR. HEBARD and MR. POMEROY.

The Committee on Credentials of members reported, and the report was read and accepted.

The Council, on motion of Mr. Hebard, took up the motion to reconsider the resolution of Mr. Dutton, and the same was reconsidered, and was, on motion of Mr. Burt, amended, and, as amended, was adopted as follows:—

Resolved, That a Committee of three be appointed to enquire into the expediency of so amending the Constitution as to give the election of Assistant Judges of the County Courts, Sheriffs, High Justices, and State Attorneys, directly to the Freeholders of their respective Counties, and the election of Judges of the Probate Courts, directly to the Freeholders of their respective Probate Districts, and of Justices of the Peace to the Freeholders of the towns in which they reside.

A resolution was introduced by Mr. Hebard, which after amendment, was adopted as follows:—

Resolved, That the Committee on the Powers of the Constitution enquire into the expediency of so amending the Constitution as to dispense with the office of County Judges.

On motion of Mr. Crawford:

Resolved, That the Committee on the Powers of the Constitution enquire into the expediency of so amending the 8th Section of the second part of the Constitution, as to hasten the elections therein provided for, to the first Tuesday of September, annually.

The resolution of Mr. Burt, laid on the table in the morning, was, on notice, taken up and adopted.

The memorial of G. B. Arlington and others, which was laid on the table, was on motion, taken up and referred to the President of the Council, to report at the next meeting of the Council.

On motion of Mr. Dutton :

Resolved, That a Committee of three be appointed to enquire whether it is expedient or to amend the Constitution, as to elect the State Senators for a longer term than one year, and to provide for classifying and arranging the Senate in case the term of office should be extended.

On motion of Mr. Crawford :

Resolved, That the Committee, raised on the resolution of Mr. Dutton relative to the election of Senators, be directed to enquire and report upon the expediency of an alteration and amendment of the 4th Article of the amendments of the Constitution, so as to provide for an apportionment of the Senators to the several Counties, according to their population—regard being always had, in such apportionment, to the Counties having the greatest fraction.

On motion of Mr. Dewey :

Resolved, That the Legislative Committee enquire into the expediency of amending the Forty-Third Section of the Constitution of this State, as to provide for the election of five or six members of the Council of Censors.

And also the expediency of amending the Constitution so as to provide for the election, meetings and pay, of the said Council without the aid of any Legislative action.

On motion, the Council

Adjourned.

Friday, 9th June, 1848.

Paper by the Rev. Mr. Scott

The journal of yesterday was read and approved.

The Chair announced the appointment of the following Committee—

On the resolution of Mr. Dutton, as to the election of County officers :

MR. DUTTON, MR. DEWEY and MR. BURT.

On the resolution of Mr. Bell, as to School Fund :

MR. BELL, MR. HEBARD and MR. DEWEY.

On the resolution of Mr. Dutton, as to the term of Senators :

MR. CRAWFORD, MR. POMEROY and MR. JAMES.

Mr. Pomeroxy introduced the following resolution, which was read and adopted :—

Resolved, That the Legislative Committee be requested to examine the present Existing Laws of this State, and report whether, in their opinion, the same are not defective and uncertain, and do not require further legislation.

On motion of Mr. Bart,

Resolved, That a Committee of three members be raised to enquire into the expediency (should the Council see fit hereafter to call a Convention) of having the Delegates to said Convention elected by the several Counties, according to their respective population.

On motion of Mr. Bart,

Resolved, That when the Council adjourn, it adjourn to meet at the State House in Haverhill, on the first Wednesday of October next, at 10 o'clock P. M.

Mr. Bell introduced the following resolution:

Resolved, That the Committee on the Powers of the Constitution enquire into the expediency of so amending the Constitution, that no one of the civil authority of towns be permitted to exercise the duties appertaining to his office, while he is licensed to traffic in intoxicating liquors.

Which was read and adopted.

On motion of Mr. Bart,

Resolved, That the Secretary procure one hundred copies of the Journal of the Council, at its present Session, to be printed for the use of its members.

On motion of Mr. Dewey,

Resolved, That the Secretary forward, by mail, one copy of the Journal of the present session of this Council to each of the publishers of a weekly or daily paper in this State, and five copies to each member of the Council.

Mr. Farnsey was, on motion of Mr. Dutton, added to the Legislative Committee.

The President was, on motion of Mr. Bart, added to the Committee on the Powers of the Constitution.

The Chair announced the following Committee on the resolution of Mr. Bart, as to calling a Convention:

MR. HUNT, MR. ALLEN and MR. COOL.

On motion,

Filed, That the Secretary be authorized to make up and certify the adventures of the Council and contingent expenses.

The journal of this day was read, and on motion, approved.

On motion of Mr. Bell,

The President then declared the Council adjourned to the first Wednesday of October next.

Attest, JOHN N. POMEROY,

Secretary.

SECOND SESSION, AT MONTPELIER.

SENATE CHAMBER. 7

Wednesday, 4th October, 1848. 8

The Council met agreeably to adjournment.

Present,

AUGUSTUS HURT,
DAVID CRAWFORD, and
JOHN N. POMEROY.

Whereupon, there being no quorum, the Council adjourned to to-morrow morning at 10 o'clock.

Thursday, 5th October, 1848.

The Council met agreeably to adjournment.

Present,

CHARLES K. WILLIAMS,
AUGUSTUS HURT,
WILLIAM HEBARD,
JAMES BELL,
DAVID CRAWFORD, and
JOHN N. POMEROY.

Prayer by the Rev. Mr. Loomis.

PARSON STARR and HENRY STORRELL appeared, produced their credentials and took their seats.

The Journal of yesterday was read and approved.

On motion of Mr. Hurt,

Resolved, That another member be added to the Committee on the subject of calling a Convention. Mr. Starr was appointed.

On motion of Mr. Bell,

Resolved, That another member be added to the Committee on Resolutions as to the Federal Fund. Mr. Storrell was appointed.

The Council adjourned.

AFTERNOON.

On motion of Mr. Richard,

Resolved, That the Committee on the Powers of the Constitution be requested to enquire into the expediency of so amending the 2d Section of part 3d of the Constitution of this State as to provide for the election of representatives on some future day, in case the Protestants shall fail to elect on the first Tuesday of September, under such regulations as shall be provided by Law.

On motion of Mr. Richard,

Resolved, That the President request some clergymen of this village to attend on the Council as Chaplains, during the present session, and that the morning services be opened by prayer.

Mr. Bart, at his request, was excused from further service on the Committee on Taxes and Expenditures, and

Mr. Starr was appointed to fill the vacancy.

On motion of Mr. Richard,

Resolved, That the Sergeant at Arms be requested to attend by himself or deputy, on the present Session of this Council.

On motion of Mr. Starr,

Resolved, That a Committee of three, of whom the President shall be the Chairman, be appointed to consider and report to the Council whether or it be expedient so to amend the Constitution of this State as to secure greater permanency to the office of Judges of the Supreme Court.

On motion of Mr. Starr,

Resolved, That the Treasurer of this State be requested to furnish to this Council, as soon as may be, a statement of balances due to the Treasury for taxes—showing designating the towns from which such balances are due, and the years in which they respectively accrued—and also, a statement of balances, if any are due, from the several Sheriffs, County Clerks, and State's Attorneys in the several Counties, and the years in which such balances accrued, and the names of such delinquent officers—and also, of any balances which may be due from any of the County Judges for Licenses, &c.

On motion of Mr. Bart,

Resolved, That the Committee on the Powers of the Constitution be directed to enquire whether the Act of the Legislature, passed 15th of November, 1847, entitled "An act relating to the election of County Senators," be authorized by the Constitution.

The Council adjourned.

Friday, 6th October, 1842.

Prayer by the Rev. Mr. Manser.

Mr. BERRY and Mr. JAMES, members of the Council appeared and took their seats.

The Journal of proceedings was read and approved.

Mr. HILL and Mr. BOWELL were appointed members of the Committee on the Resolutions as to the permanency of the office of Judges of the Supreme Court.

The President made the following report on the petition of G. B. Armstrong and others, referred to him at the last Session of the Council:—

To the Council of Commerce now in Session:

The undersigned, to whom the petition of Geo. B. Armstrong and others was referred, respectfully reports,

That he has carefully examined the petition, has heard the several arguments in support of the same, offered by one of the petitioners who had paid particular attention to the subject: Deane Richmond, and who supported the views of the petitioners with many able and ingenious arguments, yet the undersigned is not convinced that any further action of the Council is, at the time, required on the subject.

The paper of the petition contains two objects.

1. A limitation of the amount of land hereafter to be acquired by any individual.

2. To exempt from liability the city future debts, so much of the same, as may be necessary for a family household.

As to the first proposition, it is not perceived that any serious inconveniences in this State arise from the present structure of our laws so as to require any change or alteration of the fundamental laws. If there are evils or inconveniences existing from the disproportion between the wealth of capital and labor, it is not from the investment of capital in land. And when we take into view the equal distribution of property which is usually made on the death of every individual, whether his estate consists of movable or immovable property, it is not apprehended that an undue influence of wealth will ever be created, by the accumulation of land in the hands of any one, or that there ever will be any serious difficulty to prevent the industrious and enterprising from acquiring a sufficiency of land either for agriculture, trade or manufactures.

Moreover, the object contemplated could not, in any event, be attained by a limitation of the quantity of land to be acquired, but must have regard to quality as well as quantity, a limitation which, if not impracticable, would be extremely inconvenient to be effected, and promises no ad-

equally benefit by the great change which it would produce in the present relations in the social state.

As to the second object of the petition, viz: the exemption of a family homestead from liability for the debts of the owner, it is believed that the present, now appertaining to the Legislature, are fully adequate to accomplish the object, asked for by the petitioners, if it is considered expedient for them. It has been the policy of most-civilized nations for a long time to free landed property from all restrictions on the power of the owner to alienate, and to subject it to the payment of his debts. It is in the power of the Legislature to make such exceptions of property, whether real or personal, from attachment or execution, as the exigencies or the welfare of its citizens require. Whether it is expedient to make any further exemptions, of what kind, and to what amount, it is appropriately the province of the Legislature to determine; and they are fully competent to decide whether any further restrictions on the power of alienation or any further exemption of property from liability for the debts of the owner are necessary, or required for the public welfare.

The undersigned, therefore, reports that no further order is required on the petition, and asks to be discharged from the further consideration thereof.

CHAR. E. WILLIAMS.

Which was read, and

On motion of Mr. Starr,

The report was accepted and entered upon the Journal of the Council.

Mr. Hibbard, from the Committee on powers of the Constitution, reported on the resolution as to disposing with the office of County Judges adverse to any further action upon the subject, which Report was read and accepted.

Mr. Powersy introduced the following resolution:

Resolved, That the following additional rule be adopted for the government of the Council, to wit: The vote of this body accepting a report shall not be considered as the adoption and final disposition of the same; but the same may be called up for action of this body at any time.

Which Resolution was, on motion of Mr. Hibbard, laid upon the table, and made the order of the day for to-morrow morning.

Mr. Crowlaid, on his request, had leave of absence for to-morrow.

The Council adjourned.

ARMCHAIRS.

Mr. ASHBY, a member of the Council, appeared and took his seat.
On motion of Mr. FORTNEY,

Resolved, That another member be added to the Committee named on the resolution of Mr. Dutton, as to the term of Senators.

The Council adjourned.

SATURDAY, 7th October, 1848.

Prayer by Rev. Mr. Lort.

The Journal of yesterday was read and approved.

Mr. COOK, a member of this Council, appeared and took his seat.

Mr. HUBBARD, from the Committee on the Powers of the Constitution, to whom was referred the resolution directing them to enquire whether the act of the Legislature, passed 12th November, 1847, relating to the election of Senators, be authorized by the Constitution, made a report, accompanied by the following resolution:—

Resolved, That the Act of the Legislature, passed 12th November, 1847, entitled "An Act relating to the election of County Senators," is unauthorized by the Constitution of the State, and we recommended to the Legislature the repeal of the same.

Resolved, That the President of this Council cause to be transmitted to the joint-day effort of the Senate and House of Representatives copies of the foregoing report and resolution.

Which report and resolutions were accepted, and, on motion of Mr. BART, laid on the table.

The Council, on motion, took up the order of the day, being the suggestion of Mr. FORTNEY, recommending the adoption of the following additional rule:—

"The vote of this body, accepting a report, shall not be considered as the adoption and final disposition of the same; but the same may be called up for the action of this body at any time."

And on the question of the adoption of the same, the yeas and nays were demanded by Mr. JAMES, and were as follows:—

YEAS—Messrs. ALLEN, BELL, BART, COOK, DREWY, HUBBARD, and FORTNEY.—(7.)

NAYS—Messrs. JAMES, STARR, STEWELL, and WILLIAMS.—(4.)

So the resolution was passed and the rule adopted.

The report of Mr. HUBBARD as to the act relating to the election of County Senators was, on motion, taken up and the resolutions accompanying the same were, on motion of Mr. DREWY, laid on the table, and made the order of the day for Monday morning.

The report of the President of the Council, on the petition of G. B. Arrington and others, was, on motion, taken up, and after consideration it was adopted and the petitioners had leave to withdraw their petition.

The report of Mr. Helwell, made and accepted yesterday, as to dispensing with the offices of County Judges, and adverse therein, was taken up, and on motion of Mr. Bell adopted, and the committee discharged from the further consideration of the subject.

Mr. Bart offered the following resolution:

Resolved, That the Committee on the Powers of the Constitution inquire whether the Constitution does not require an amendment in regard to the Treasurer of the State, and the Sheriff of the several Counties going their respective courses.

Which was read and adopted.

The following resolution was offered by Mr. Stewart:

Resolved, That the Committee on the Powers of the Constitution inquire into the expediency of so amending the Constitution, as to elect the Governor, Lieutenant Governor, and Treasurer of the State, by a plurality of the vote of the people.

Which resolution was read and adopted.

Mr. Penney, from the Legislative Committee, made the following report on the subject of the laws relative to the Grand Jury, "that they are of opinion that there is an uncertainty as to the basis upon which the several Town, County and State taxes are to be laid, and also an uncertainty as to the time of the meeting of the County Conventions of Jurors and that this subject requires further legislation," accompanied by the following resolution:—

Resolved, That the President of the Council communicate to the Senate and House of Representatives a copy of said report.

Which report was accepted, and the report and resolution were, on motion, laid upon the table, and made the order of the day for Monday morning.

On motion of Mr. Stewart:

Resolved, That when the Council adjourn, they adjourn to Monday morning.

The Sergeant-at-Arms was, on motion, charged with the duty of procuring the Court Room for the use of the Council after Tuesday next.

Mr. Starr introduced the following resolution:

Resolved, That in the judgment of the Council, the repeal, alteration, or modification of acts, or parts of acts of the Legislature, by a mere reference to the number of the chapter and the section of the revised Statutes, without any mention of the subject or nature of the provisions to be

repealed, altered, or modified, introduced confusion into our laws, and greatly increased the difficulty of understanding the law.

Which resolution was, on motion of Mr. Richard, laid upon the table.
The Council adjourned.

Monday, 5th October, 1845.

Prayer by the Rev. Mr. Manners.

The Journal of Saturday was read and approved.

Mr. Dutton, a member of this Council, appeared and took his seat.

The order of the day being the report of the Legislative Committee on the resolution of Mr. Pomeroy as to the constitutionality of the laws relative to the Grand List, it was, on motion, taken up and, after discussion, on motion of Mr. Hart, was laid on the table, and made the order of the day for to-morrow morning.

The following resolution was introduced by Mr. Starr:

Resolved, That the Committee on Taxes and Expenditures be directed to inquire whether by the present lying laws of this State an unequal and unequal burden is not imposed on the owners of wild lands in this State, and whether it be expedient to recommend to the Legislature so to modify those laws as to exempt from taxation wild lands under the appraised value of \$50 per acre, as estimated by the assessors, except in the case of sales for making and repairing roads and bridges required by special acts of the Legislature.

And said resolution was, on motion, adopted.

Mr. Dutton was appointed by the Chair as a member of the Committee on the subject of the term of County Senators.

The Council adjourned.

Afternoon.

On motion of Mr. Starr, the vote adopting the report of Mr. Richard made on Saturday, relative to the unconstitutionality of the Act relating to County Senators, was re-considered and.

On motion of Mr. Starr, voted to re-consider said report, and that the resolution of Mr. Starr of Saturday be referred to the same Committee.

Mr. Dutton, from the Committee on the resolution of Mr. Dutton of the 5th June, relating to the election of County officers, made a report: "that it is expedient so to amend the Constitution as to give the election of Assistant Judges of the County Court, Sheriffs, High Deputies, and State's Attorneys, severally to the freemen of their respective Count-

ties, and the election of Judges of Probate to the freemen of their respective Probate Districts, and Justices of the Peace to the freemen of the towns in which they reside," which was, on motion, ordered to lie on the table.

Mr. Bart introduced the following resolution:

Resolved, That the Committee on the Powers of the Constitution inquire whether Justices of the Peace have recorded their judicial proceedings as directed in Chap. 11, Sec. 44, of the Revised Statutes, and whether any action therein be necessary and proper for the Council.

Which resolution was, on motion, adopted.

Mr. Stowell introduced the following resolution:

Resolved, That the Committee on the Powers of the Constitution inquire as to the expediency of so amending the Constitution, that the Governor, Lieutenant Governor, and Treasurer of the State, hold their respective offices until their successors are duly qualified.

Which resolution was, on motion, adopted.

The Council adjourned.

THURSDAY, 10th October, 1848.

Prayer by the Rev. Mr. Lord.

The Journal of yesterday was read and approved.

On motion of Mr. Bart, it was voted that when the Council adjourns, this afternoon, they adjourn to meet in the Court House.

The President, from the Committee to whom was referred the resolution of Mr. Bart, in relation to the expediency of so amending the Constitution as to give more permanency to the office of Judges of the Superior Court, reported "that they do not deem it expedient at this time to recommend any alteration of the Constitution in that respect."

Which report was accepted and ordered to lie upon the table.

The report of Mr. Dewey, from the Committee on the Resolutions of Mr. Dutton, as to the election of County officers, was taken up and accepted; and, on motion of Mr. Dewey, was referred to the Committee of the Whole, and made the order of the day for this afternoon, at half past two o'clock.

The Council adjourned.

AFRIDAAY.

Mr. Dewey, from the Legislative Committee, to whom was referred his resolution as to the increase of the number of the Council of Censors and

providing for their election, meetings and pay, made report "that in the opinion of the Committee it is not expedient to make any amendments proposed by said resolution."

Which report was accepted and adopted.

The Council resolved itself into a Committee of the Whole, Mr. Richard in the Chair, on the report of the Committee on the resolution of Mr. Patton of the 8th June, as to the election of County officers; and, after discussion of the subject, the Committee rose, reported progress, and had leave to sit again to-morrow morning, at half-past nine o'clock.

The Council adjourned.

WEDNESDAY, 11th October, 1843.

Paper by the Rev. Mr. Murray.

The Journal of yesterday was read and approved.

The report of the President on the resolution of Mr. Starr, as to the permanency of the Judiciary, was taken up, accepted, and, after discussion, was ordered to lie on the table.

The Council resolved itself into Committee of the Whole, Mr. Richard in the Chair, on the report of the Committee as to the election of County officers: and the Committee of the Whole, after having had read report under consideration, rose, reported progress, and, on motion, had leave to sit again at two o'clock, P. M.

The Council adjourned.

AFTERNOON.

The Council in Committee of the Whole took into consideration the report which was before them in the forenoon; and, after discussion of the same, reported the same to the Council without amendment; and on the question of the adoption of the report of the Committee of the Whole, the yeas and nays were demanded by Mr. Bell, and were as follows, &c.

Yeas—Messrs. Bart, Cook, Patton, Dorey, Richard, Jones, Foxmore and Stewart—(8.)

Nays—Messrs. Allen, Bell, Crawford, Starr and Williams—(5.)

So the report was adopted.

Mr. Jones offered the following resolutions:

Resolved, That a Committee of three be named to report within of amendment of the Constitution agreeably to the report just adopted, therein limiting the number of Justices of the Peace, and providing for the election of all the officers therein named by ballot.

Which resolution was, on motion of Mr. Richard, amended, by striking out all after the word "Resolved," as follows—"that the report of the Committee on the subject of electing County officers by the Freemen of the County be referred to the same Committee with instructions to report articles of amendment of the Constitution, agreeably to the terms of said report, therein limiting the number of Justices, and providing for the election of all the officers therein named by ballot."

Which resolution, thus amended, was adopted, and

The Council adjourned.

TUESDAY, 11th October, 1843.

Paper by Rev. Mr. Leck.

The Journal of yesterday was read and approved.

Mr. Crawford introduced the following resolution:

Resolved, That the Committee on the Powers of the Constitution be directed to inquire as to the expediency of so amending the Constitution as to dispense with the requirement therein, of returning the ballots of the Freemen for Governor and Lieutenant Governor, and Treasurer, to the General Assembly.

Which resolution was adopted.

The report of Mr. Penning, as to the expediency of the laws relative to the Grand List, was taken up, and after discussion, was ordered to lie on the table.

The Council adjourned.

ARTICLE 10.

Mr. Crawford, from the Committee on the term of Sessions, made a report "that the alteration contemplated in the Constitution, by said resolution, ought not to be made."

Which report was read and ordered to lie upon the table.

Mr. Dutton, from the Committee on the resolution of Mr. Richard, as to amending the Constitution, so that all amendments shall be proposed by the Senate, reported "that in the opinion of said Committee it is inexpedient to amend the Constitution in the manner therein proposed."

Which resolution was accepted and ordered to lie upon the table.

The Council adjourned.

Friday, 23d October, 1888.

Present by the Hon. Mr. Meane.

The Journal of yesterday was read and approved.

The report of the President, from the Commission on the resolution as to the permanency of the office of Judges of the Supreme Court, and advances to any change, was taken up and discussed: and, on the question as to the adoption of the report, the yeas and nays being demanded, were—

YEAS.—Messrs. Allen, Bell, Crawford, Cool, Dotson, Herbert, Jones, Pomroy, Starvill, and Williams.—(16.)

NAYS.—Messrs. Bart, Dewey, and Shaw.—(3.)

So the report was adopted.

The Council adjourned.

Afternoon.

Mr. Pomroy introduced the following resolution:

Resolved, That this Council close its present session on Wednesday next, and that, when they adjourn, they adjourn to meet in the House Chamber, in Montpelier, on the last Wednesday of January next, at two o'clock, P. M.

Which resolution was ordered to lie on the table.

Mr. Jones, from the Commission on Taxes and Expenditures, to whom was referred the resolution of Mr. Shaw, as to the taxation of wild lands, made the following report:—

To THE COMMISSION OF CHIEFS now in Session:

Your Commission on Taxes and Expenditures, to whom was referred the resolution directing said Commission to enquire whether by the present taxing laws of this State, an unjust and unequal burden is not imposed on the owners of wild lands in this State—and whether it be expedient to recommend to the Legislature a modification of the same, as specified in said resolution, have had the same under consideration, and now respectfully submit the following report:—

The resolution directs the Commission to make examination in relation to two subjects:—

1st. Whether the present taxing laws impose unjust and unequal burdens on the owners of wild lands.

2d. The expediency of recommending to the Legislature a modification of said laws.

Whether the taxing wild lands be constitutional or not, is not, by said resolution, made a subject for enquiry—there is supposed to be no doubt

on this subject. But your Committee, it is believed, are unanimous in the opinion that hunting and consequently taxing wild and wholly unproductive lands—such as are unsuitable and not increasing in value, but rather depreciating, does not necessarily, improve on the contrary, barless unequal when compared with improved and productive lands or property of increasing value. Neither have they any doubt but taxation may, and probably has, in many cases, been done to owners of wild lands, especially non-residents, by an unequal and an assessment much higher than their real worth. In those cases, however, the remedy is not to be sought by a modification of the laws, but in the appointment of competent and honest administrators.

Your Committee, on a careful consideration of the second matter of inquiry, have come to the conclusion that it is not expedient to make any recommendation to the Legislature on the subject. It is at least somewhat questionable whether it would come within the purview of our appropriate duties.

The Constitution has given the Council of Censors ample and extended powers, still they are circumscribed, and it would seem to demand great caution in those appointed as guardians and conservators of that instrument, that they do not themselves go beyond its boundaries, or stretch upon the prerogatives of other departments of the government. They, therefore, report the accompanying resolution.

Resolved, That it is inexpedient to make any recommendation to the Legislature as to the modification of the laws in relation to taxing wild lands.

H. F. JAMES,

For Committee.

Which was read and ordered to lie on the table.

The report of Mr. Penney, from the Committee to whom was referred the subject of the uncertainty of the laws relative to the Grand List, was taken up and discussed; and on the question of its adoption, the yeas and nays being demanded, were as follows:—

YEA—Messrs. Allen, Cook, Dutton, Dwyer, James, Penney, Starr, and Storvick,—(8.)

NA—Messrs. Bart, Crawford, Hubbard, and Williams,—(4.)

So the report was adopted, and the resolution accompanying said report was ordered to lie upon the table.

The report of Mr. Dutton, from the Legislative Committee to whom was referred the resolution of Mr. Hubbard, as to giving to the Senate the power of proposing amendments to the Constitution, and adverse thereto, was taken up and discussed; and, on the question of its adoption, the yeas and nays being demanded, were as follows:—

YEAS—Messrs. Allen, Bell, Bart, Cook, Dalton, Dewey, Jones, Powers, Stuart, Stewart, and Williams.—(11.)

NAYS—Messrs. Crawford and Richard.—(2.)

So the report was adopted.

Mr. Crawford's report, on the resolution as to the term of County Sessions, was taken up, considered, and ordered to lie on the table.

The Council adjourned.

BUTENUT, 14th October, 1867.

Papers by the Hon. Mr. Lord.

The Journal of yesterday was read and approved.

The resolution accompanying the report of Mr. Powers, making it the duty of the President to communicate the report and resolution to the Senate and House of Representatives, laid on the table yesterday afternoon, was called up for consideration; and after discussion, on the question of its adoption, the yeas and nays being demanded, were as follows:

YEAS—Messrs. Cook, Dewey, Powers, Stuart, and Stewart.—(5.)

NAYS—Messrs. Allen, Bell, Bart, Crawford, Richard, Jones, and W. L. Davis.—(7.)

So the resolution was not adopted.

Mr. Dalton was at his request excused from voting.

The following report of the Treasurer of the State, on the application of the Council to him, as to arrearages for taxes, &c., was read and referred to the Committee on Taxes and Expenditures:—

TO THE HON. COUNCIL OF CHIEFS now in session:

In compliance with a resolution of the Council of Chiefs, passed Oct. 5th, calling upon the Treasurer to furnish them with a statement of the balances due the Treasury for Taxes, specifically designating the towns from which such balances are due, and the years to which they respectively accrued, and also a statement of the balances, if any due, from the several Sheriffs, County Clerks, and State's Attorneys, in the several Counties, also from Judges of the County for Ipswich, &c., I have the honor to report—

That there are no balances due the Treasury for Taxes raised previous to 1867. I do not report the balances due on that Tax, as the amount will be reduced very much before the close of the present session of the Legislature,—assessable being affected by custom and law, to let their balances remain until the time shall arrive.

The balances due from Sheriffs, County Clerks, State's Attorneys, and

Judges of the County, for Licenses sold, &c., I am unable to report, as the accounts of these officers are not kept on the the Books of this office.

GEORGE HOWES,
Treasurer.

Treasurer's Office, Montpelier, }
18th October, 1848. }

The report of Mr. Crawford, as to the extension of the term of Senators, was taken up, discussed, and ordered to lie upon the table.

Mr. Hubbard introduced the following resolution, to wit:

Resolved, That the Committee on the Powers of the Constitution be instructed to inquire whether, by the Constitution of this State, there is any provision by which any Officer of the Government can exercise the office of Governor, in case of a vacancy of both the Governing and Lieutenant Governor; and whether the term during which the Governor and Lieutenant Governor shall exercise the duties of their respective offices is sufficiently defined by the Constitution.

Which resolution was adopted.

Mr. Hubbard, from the Committee raised on the resolution of Mr. Bell, as to the School Fund, reported, and the report was, on motion, referred back to said Committee.

Mr. Hubbard, from the Committee on the Powers of the Constitution, to whom was referred the resolution of Mr. Bell, proposing an inquiry as to the expediency of so amending the Constitution as to prohibit the will authority of towns from exercising their office, and at the same time interfere in interfering inquiries, made report "that they did not deem it expedient to make the amendment proposed."

Which report was accepted and adopted.

Mr. Hubbard, from the Committee on the Powers of the Constitution, to whom was referred the resolution of Mr. Storrell, as to the expediency of so amending the Constitution as to elect the Governor, Lieutenant Governor, and Treasurer, by a plurality of votes, reported, "that in the opinion of said Committee it is not expedient to make the amendment proposed."

Which report was accepted and ordered to lie on the table.

Mr. Hubbard, from the Committee on the Powers of the Constitution, to whom was referred the resolutions of Messrs. Crawford and Hubbard, as to "amending the 8th Section of the Second Part of the Constitution, so as to limit the election therein provided for the first Tuesday in September annually;" and as to so amending the Constitution "as to provide for the election of representatives on some future day, in case the President fail to elect on the first Tuesday in September," made report that "it is not expedient so to amend the Constitution as to provide for the election of representatives on any day other than the first Tuesday of Sep-

member," and recommended the following article as a substitute for the said 8th Section of the Second Part of the Constitution, to wit:—

"The House of Representatives of the Province of this State shall consist of persons most noted for wisdom and virtue, to be chosen by ballot of the Free-men of every town in the State respectively on the first Tuesday of September annually ensuing, and no balloting for such representatives shall be commenced after twelve o'clock at night of said first Tuesday, but a majority of the Free-men present may, by vote, declare the meeting of any town, notwithstanding no election of representatives shall be made."

Which report was accepted and ordered to lie upon the table.

The resolution of Mr. Foxcroft, as to the time of adjournment, was taken up, and Mr. Bell proposed to amend the same, by inserting for "Wednesday morning next," "Thursday morning next."

Which resolution and amendment were ordered to lie upon the table.

The report of the Committee on Taxes and Expenditures, as to the taxation of wild lands, was called up and accepted, and ordered to lie upon the table.

The Council adjourned.

APRIL TWENTY.

The report of Mr. Jaxon, from the Committee on Taxes and Expenditures, as to the taxation of wild lands, was taken up and re-considered.

The report of Mr. Hebard, from the Committee on the Powers of the Constitution, to whom was referred the subject of the amendment of the 8th Article of the Constitution, was taken up, discussed, and ordered to lie upon the table.

The report of Mr. Crawford, from the Select Committee, to whom was referred the subject of the amendment of the 8th Article of the amendments of the Constitution, as to the apportionment of Senators, and recommending the following amendment as a substitute for said 8th Article, viz: "The Senate shall be composed of thirty Senators, to be of the Free-men of the County for which they are elected respectively, who shall have attained the age of thirty years, and to be annually elected by the Free-men of each County respectively. The Senators shall be apportioned to the several Counties according to the population, as ascertained by the census taken under the authority of Congress, A. D. 1841, regard being always had to such apportionment to the Counties having the largest fraction, and giving to each County one Senator at least. The legisla-

fact shall make a new apportionment of the Senators to the several Counties after the taking of each census of the United States, or after a census taken for the purpose of such apportionment by order of the Government of this State, always regarding the above provisions of this article."

Which was read, accepted, and ordered to lie upon the table.

The report of Mr. Holbert, from the Committee on the Powers of the Constitution, as to the election of Governor, Lieutenant Governor, and Treasurer, by plurality of votes, and adverse thereto, was taken up, and, on motion, accepted and adopted.

Mr. Holbert, from the Committee to whom was referred the subject of the School Fund, made report, "that the law of this State abolishing the School Fund is unconstitutional, but the expediency of the law your Committee deem to be the appropriate inquiry of the Legislature, and therefore refrain from expressing any opinion upon that branch of the inquiry."

Which report was accepted and adopted.

Mr. Penney, from the Committee, to whom was referred a resolution by him introduced as to the equalization of representation in the House of Representatives, made a report, accompanied with the following resolutions:—

Resolved, That the representation in the House of Representatives is unequal and anti-republican.

Resolved, That the representation in the House of Representatives ought to be equalized.

Resolved, That for this purpose a Committee of _____ members of this Council be charged with the duty of considering and reporting to this Council the best mode of equalizing the representation in the House of Representatives, and report at this, or our next session, an article or articles of amendment of the Constitution for the purpose of carrying into effect that object.

Which report was accepted, laid upon the table, and made the order of the day for Tuesday morning next.

The Council adjourned.

—

Monday, 12th, October, 1848.

Prayer by the Rev. Mr. Lord.

The Journal of Saturday was read and approved.

The resolution of Mr. Penney, as to the adjournment, was taken up and amended; and as amended adopted, as follows:—

Resolved, That the Council close their present session on Thursday morning next, and, when they adjourn at that time, they adjourn to meet at the Senate Chamber, in Montpelier, on the 10th day of February next, at two o'clock, P. M.

The report of Mr. Crawford, as to the terms of Senators and address to any change therein, was taken up, and on the question of its adoption, the yeas and nays, being demanded, were as follows:—

Yeas—Messrs. James, Crawford, Hubard, Starr, Storrell and Williams.—(5.)

Nays—Messrs. Allen, Bell, Bart, Cool, Dutton, Dewey and Pottery.—(7.)

So the report was not adopted; and Mr. Dewey submitted the following proposition, to-wit:—That the report be referred back with instructions to report articles of amendment to the Constitution providing for the election of Senators to serve three years, and for such arrangement of the fractional term of service as that the seats of one third of the Senators become vacant each year.

Which proposition was laid upon the table.

The report of Mr. Crawford, (p. 27) on the subject of the apportionment of Senators, was called up, discussed and adopted.

The report of Mr. Hubard, amending the 8th Article of the amendments of the Constitution, as to limiting the second election to the first Tuesday in September, was taken up, and, with a proposition to re-enact, laid on the table, and

The Council adjourned.

Afternoon.

The report of Mr. Hubard was again considered, and the motion to re-enact the same was rejected.

Mr. Pottery proposed the following amendment for the whole article proposed in the report as an amendment to said 8th Section:—"No balloting for Representative shall be commenced after twelve o'clock at night of the first Tuesday of September."

And on the adoption of the same, the yeas and nays were demanded and were as follows:—

Yeas—Messrs. Allen, Cool, Dutton, Pottery, and Storrell.—(5.)

Nays—Messrs. Bell, Bart, Crawford, Dewey, Hubard, James, Starr and Williams.—(8.)

So the amendment was rejected.

Mr. James proposed to amend the article reported by inserting, after the word "year," the words "after the third ballot."

Which amendment was rejected.

Mr. Richard proposed the following amendment to the article reported by adding thereto the words—"provided that no motion to dissolve the meeting shall be entertained by the presiding officer while the balloting is going on, nor until after the result has been ascertained and declared."

Which amendment was rejected.

Mr. Bart moved to strike out from the article all after the words "after in the object at sight of said first Treading."

And the yeas and nays being demanded were as follows:—

Yeas—Messrs. Allen, Bart, Cool, Dutton, Fennoy and Sewell—(3.)

Nays—Messrs. Bell, Crawford, Dewey, Richard, Jones, Starr and Williams—(7.)

So the amendment was lost, and

The Council adjourned.

THURSDAY, 19th October, 1848.

Prayer by the Rev. Mr. Lord.

The Journal of yesterday was read and approved.

Mr. Sewell introduced the following resolution:

Resolved, That a Committee of three Members of the Council be appointed by the President to make up the *liberations* of the present session.

Which was adopted.

The report of Mr. Crawford, as to the extension of the term of Senators was taken up and re-considered, and the Committee enlarged by the addition of another member. Mr. Dewey was appointed a member of said Committee.

The report of Mr. Fennoy, from the Committee on a resolution by him introduced, as to the equality of representation being the order of the day, was taken up; and on a motion of Mr. Jones to discuss the same a discussion ensued, which continued until

The Council adjourned.

FRIDAY MORNING.

Messrs. Sewell, Allen, and Crawford were appointed the Committee of Deliberation.

The following resolution was introduced by Mr. Fennoy and adopted.

Resolved, That a Committee of three members of this Council be appointed to be designated the Committee of Revision and Engravement, whose duty it shall be to review and re-draft any article or articles of amendment which may be recommended previous to the final adoption and publication of such article or articles.

Which resolution was, on motion, adopted, and the President elected Chairman of said Committee.

The report of Mr. Hubbard, from the Committee on the Powers of the Constitution, as to the act of the Legislature passed November 18th, 1847, entitled "An Act relating to the election of County Senators," accompanied by the following resolutions, to wit:—

Resolved, That the Act of the Legislature passed 18th November, 1847, entitled "An Act relating to the election of County Senators," be annulled by the Commissioners of this State, and we recommended to the Legislature that the same be repealed.

Resolved, That the President of this Council cause to be transmitted to the printing offices of the Senate and House of representatives copies of the foregoing report, and resolutions, which have been recommended with the resolution of Mr. Starr as to improper legislation.

Was presented and accepted, and the report and resolutions, without amendment, adopted.

The report of Mr. Foxenoy, which was under discussion at the last adjournment, was taken up and further discussed, and the motion to discuss withdrawn, and the report and resolutions were, on motion, re-announced.

The Council adjourned.

WATERMAN, 18th October, 1848.

Prayer by the Rev. Mr. Butler.

The Journal of yesterday was read and approved.

The President announced the appointment of Messrs. Hubbard and Jones as members of the Committee on Revision and Engravement.

On motion of Mr. Bart, the resolution as to adjournment was re-considered, and it was proposed to amend the resolution by inserting "the Court House at Burlington," in the place of "Senate Chamber at Montpelier."

And on the question being taken, the yeas and nays being demanded, were as follows:—

Yeas—Messrs. Allen, Bell, Bart, Cook, Starr, Howell, and Williams.—(7.)

Nays—Messrs. Crawford, Dutton, Dewey, Hubbard, Jones and Foxenoy.—(6.)

So the amendment was made, and the resolution adopted as follows:—

Resolved, That this Council close its present session on Thursday morning next, and that, when they adjourn at that time, they adjourn to meet at the Court House in Burlington, on the 16th day of February next, at two o'clock, P. M.

The report of Mr. Richard, from the Committee on the Powers of the Constitution, (p. 27) on the subject of the 8th Section of the Second Part of the Constitution was taken up; and on motion of Mr. Bart the Council re-considered the vote refusing to strike out all after "twelve o'clock at night of said first Tuesday" in the article of amendments reported, by yeas and nays—

YEAS—Messrs. Allen, Bell, Bart, Crawford, Cool, Dutton, Pomeroy and Stowell.—(8.)

NAYS—Messrs. Dewey, Richard, Jones, Starr and Williams.—(5.)

The question then remaining on the motion to strike out, Mr. Richard moved to re-consent the report.

Mr. Bell moved to dissent the report; and, on the question of dissent of the report, the yeas and nays being demanded, were as follows:—

YEA—Mr. Bell.

NAYS—Messrs. Allen, Bart, Crawford, Cool, Dutton, Dewey, Richard, Jones, Pomeroy, Starr, Stowell and Williams.—(11.)

So the motion to dissent did not prevail.

Mr. Richard withdrew the motion to re-consent; and the question concerning upon the adoption of the motion to assent by striking out, the yeas and nays, being demanded, were as follows:—

YEAS—Messrs. Allen, Bart, Cool, Dutton, Pomeroy, and Stowell.—(6.)

NAYS—Messrs. Bell, Crawford, Dewey, Richard, Jones, Starr and Williams.—(7.)

So the motion did not prevail.

Mr. Starr moved to re-consider the vote rejecting the amendments proposed by Mr. Jones, by inserting after the word "time" the words "after a third ballot;" and on this motion, the yeas and nays being demanded, were as follows:—

YEAS—Messrs. Allen, Bart, Crawford, Cool, Dewey, Richard, Jones, Starr and Williams.—(9.)

NAYS—Messrs. Bell, Dutton, Pomeroy and Stowell.—(4.)

So the vote was re-considered; and on the question of the adoption of the amendment, the yeas and nays being demanded, were as follows:—

Yea—Messrs. Allen, Bart, Crawford, Cool, Dewey, Hebard, James, Starr and Williams.—(3.)

Nay—Messrs. Bell, Dutton, Pomeroy and Stowell.—(4.)

On motion of Mr. Hebard, the Council re-considered the vote rejecting his amendment, "providing that no motion to dissolve the meeting shall be entertained by the presiding officer, while the balloting is going on, nor until after the result has been ascertained," by yeas and nays as follows:—

Yea—Messrs. Allen, Bell, Bart, Crawford, Cool, Dewey, Hebard, James and Williams.—(8.)

Nay—Messrs. Dutton, Pomeroy, Starr and Stowell.—(4.)

The Council adjourned.

APPROPRIATION.

The report of Mr. Hebard, as amended and laid on the table on the adjournment, was taken up; and Mr. Bart offered the following as a substitute for the report and article proposed, and as an amendment to the 8th Article of the Second Part of the Constitution, "Provided that after the second balloting for Representatives without an election by a majority the person who may receive the greatest number of votes shall be elected."

Which was rejected by yeas and nays:—

Yea—Messrs. Bell, Bart, Cool, Pomeroy, Stowell.—(5.)

Nay—Messrs. Allen, Crawford, Dutton, Dewey, Hebard, James, Starr, and Williams.—(3.)

Mr. Crawford introduced the following resolution as a substitute for the report of Mr. Hebard:—

Resolved, That the Constitution be amended by substituting for the 8th Article of the Second Part of the Constitution the following:—"The House of Representatives of the Province of this State shall consist of persons most noted for wisdom and virtue, to be chosen by ballot by the Free-men of every town in this State, respectively, on the first Tuesday of September annually forever: Provided no balloting for Representatives shall be commenced after twelve o'clock at night of said first Tuesday of September."

Which resolution was adopted by yeas and nays, after rejecting an amendment proposed by Mr. Hebard, limiting the balloting to the interval between nine o'clock in the morning and nine o'clock in the evening:

Yea—Messrs. Allen, Bart, Crawford, Cool, Dutton, Dewey, Hebard, James, Pomeroy, Starr, Stowell and Williams.—(12.)

Nay—Mr. Bell.

Mr. Jones offered the following resolution—

Resolved, That the *Auditor of Accounts* be requested to furnish the Council with a statement of the balances due, if any, from the several Sheriffs, County Clerks and State's Attorneys, in the several Counties of the State.

Which was adopted.

Mr. Jones, from the Committee on Taxes and Expenditures, to which was re-considered the report (pp. 33-4) made on another day as to taxes on wild lands, presented the report without amendment, and the same was accepted and laid on the table.

Mr. Barwell, from the Committee on Debentures, reported as follows—

"Your Committee, appointed to make up the Debentures of this Council the present session respectfully report, That they have performed the duties assigned them."

Which was accepted.

Mr. Hubbard introduced the following resolution :

Resolved, That the Secretary be instructed to cause to be printed so much of the proceedings of this session as he shall judge expedient, and forward to each Member five copies.

Which was adopted and the Council adjourned to to-morrow morning at half-past six o'clock.

THURSDAY, 25th October, 1848.

Prayer by the Rev. Mr. Lord.

Reading of the Journal was dispensed with, and

The Council adjourned.

JOHN S. POMEROY, Secretary.

THIRD SESSION, AT BURLINGTON.

COURT HOUSE, BURLINGTON, {
FRIDAY, 15th FEB., 1883, 9 o'clock, P. M. }

The Council of Censors met pursuant to adjournment.

Present:

CHARLES E. WILLIAMS,
JAMES BELL,
AUGUSTUS BURT,
DAVID CRAWFORD,
JOHN DEWEY,
PETER STARR, and
JOHN N. POMEROY.

The Council was called to order by the President, and
On motion,

The Council adjourned.

SARASOTA, 17th Feb., 1883.

Prayer by the Rev. Mr. Parker.

The Journal of yesterday was read and approved.

Mr. ADAMS and Mr. STEWART, members of the Council, appeared and
took their seats.

Mr. Dewey introduced the following resolution:

Resolved, That a Committee of three members be appointed to examine the Journals of the Council, and to report the unfinished business of the two past sessions.

Which was passed, and Mr. STEWELL, Mr. ALLEN and Mr. DEWEY were
appointed said Committee.

On motion of Mr. POMEROY,

Resolved, That the Sheriff of the County of Chatterden be requested
to attend, by himself or deputy, on the sessions of the Council.

Mr. Dewey introduced the following resolution.

Resolved, Two-thirds of this Council concurring hereon, that it is expedient to call a Convention of delegates of the freemen of this State, to meet at the State House, in Montpelier, on the first Wednesday of January, A. D. 1850, for the purpose of taking into consideration such amendments to the Constitution as have been or may be proposed by this Council.

Which resolution, on motion of Mr. Starr, was laid on the table.

On motion of Mr. Dewey,

Resolved, That a Committee of three members be appointed to draft and report an address to the people, of which Committee the President shall be chairman.

Mr. Dewey introduced the following resolutions:

Resolved, That a standing Committee of three be appointed to take into consideration all matters referred to them in relation to the Judiciary, to be called the Judiciary Committee;

Which resolution, on motion of Mr. Penney, was laid on the table.

On motion,

Resolved, When the Council adjourns, it adjourns to meet at 4 o'clock, P. M.

The Council adjourned.

APPENDIX.

Mr. Stowell, from the Committee on unfinished business, made the following Report, which was read and accepted:

To the Hon. the Council, or Councilors now in session:

Your Committee respectfully report, as the unfinished business of the Council,—

1st. The resolution offered by Mr. Penney in relation to amending the Constitution as to secure a more equal representation of the people in the House of Representatives, [page 8, 1st session,] and the report thereon [page 26, 3d session] recommended [page 17, 3d session.]

2d. The resolution of Mr. Dutton, [page 8, first session,] in relation to the election of County and Probate officers. Amended [page 5, first session,] and the report of Mr. Dewey thereon [page 7, second session.] Adopted and recommended [page 9] with instructions.

3d. Resolution offered by Mr. Dewey, [page 4, first session,] in relation to the election of County Clerks and Registers of Probate. Referred [page 8, first session.]

4th. The resolution of Mr. Dutton [page 10] in relation to the election and term of Senators, and the report of Mr. Crawford thereon [page 27, second session,] and instructions of Mr. Dewey [page 21.] Recommended, [page 20.]

8th. The report of Mr. Crawford, (page 47, second session,) upon the subject of the appointment of Senators. Adopted (page 49.)

9th. The resolution offered by Mr. Bart, (page 11, first session,) inquiring into the expediency, if the Council should call a Convention, of having the delegates to said Convention elected by the several counties according to their respective population.

10th. The resolution offered by Mr. Crawford, (page 31, second session,) in relation to an amendment of the 10th article of the 2d part of the Constitution, as to the choice of Representatives.

11th. The report of Mr. Jones from the Committee on Taxes and Expenditures (page 34, second session.)

12th. The resolution of Mr. Bart, (page 18, second session,) in relation to the manner of the Treasurer of the State and the Sheriffs giving their respective oaths.

13th. The resolution of Mr. Starr, (page 19, second session,) in relation to the repeal, alteration or modification of Acts of the Legislature.

14th. The resolution of Mr. Bart in relation to the awards of Justices of the Peace (page 20, second session.)

15th. The resolution of Mr. Sawell, (page 22, second session,) in relation to the Governor, Lieutenant Governor and Treasurer holding their offices until their successors are qualified.

16th. The resolution of Mr. Crawford, (page 33, second session,) in relation to returning the votes of Governor, Lieutenant Governor and Treasurer to the General Assembly.

17th. The resolution of Mr. Richard, (page 35, second session,) in relation to the offices of Governor, Lieutenant Governor and Treasurer.

18th. The resolution offered by Mr. Penney, (page 31, second session,) for the appointment of a Committee of three to revise and re-draft the articles of amendment proposed by the Council of Churches.

All which is respectfully submitted by

H. STOWELL, for Chairman.

On motion of Mr. Bell,

Resolved, That the President request some clergymen of this village to attend on the Council as delegates, the poorest students, and that the meeting rooms of the Council be opened by prayer.

The proposition of Mr. Dewey as to the term of Senators, which was laid upon the table on the 16th October last, was, on motion, taken up and referred to the Committee to whom was referred the report of Mr. Crawford on the same subject.

The report of Mr. Crawford on the subject of the appointment of Senators (page 47, 2d session) was taken up and referred to the Committee of Revision and Enfranchisement.

The resolution of Mr. Crawford, proposing an amendment to the 5th

article of the second part of the Constitution, adopted at the last session, [page 53.] was referred to the Committee of Revision and Enlargement.

The Chair announced the appointment of Mr. Dewey and Mr. Starr as members of the Committee to draft an address to the people.

The Council adjourned.

MARSH, 29th Feb., 1845.

Prayer by the Rev. Mr. Parker.

The Journal of Saturday was read and approved.

The Resolution of Mr. Dewey, laid on the table on Saturday, relative to the calling of a Convention, was called up, referred to the Committee of the Whole, and made the order of the day for Tuesday next at 2 o'clock, P. M.

Mr. Foster, from the Committee on the subject of unequal Representation, made the following Report:—

To THE COUNCIL OF CHURCHES:

Your Committee, to whom was referred the Resolution of Mr. Foster as to the inequality of Representation in the House of Representatives, and to whom was also re-committed the Report of the same Committee at our last session, having had said matters under consideration, would respectfully report as follows:—

The whole number of towns in the State is two hundred and thirty-one—the whole number of inhabitants by the census of 1840, was 371,943—there being one representative to each town, to wit, 344, it appears that there is one representative to a trifle over each 1067 inhabitants. There are 101 towns having less than 1000 inhabitants—these are 42 towns with less than 500—there are 22 towns with less than 300—15 towns with less than 200, and four towns with less than 100 inhabitants.

A majority of the Representatives are elected by towns which, in the aggregate, have but a little more than one quarter of the population—that is 144 towns, with a population of only 77,669, elect 121 representatives, while 120 towns, with 214,300 inhabitants, elect, of course, but 120 representatives!

The County of Grand Isle, with a population of 3533, elects five representatives, (to say nothing of its Senator,) while the town of Montpelier, with a population of 1525, elects but one representative!

The County of Essex is represented (to say nothing of its Senator) by 21 representatives, with a population less than the whole, and a grand lot a little more than half that of the town of Burlington, which has, of course, but one representative!

There are 34 towns having (of course) 34 representatives, and yet, with

a population and grant that each is the aggregate less than the town of Burlington with one representative!

Let us look at the ratio of representation in each County.

Barnington Co.,	17	towns, population	16,472,	being a ratio of 1 to	902
Windsor Co.,	23	" "	32,142,	" "	1 " 1148
Windsor Co.,	23	" "	40,356,	" "	1 " 1754
Rutland Co.,	23	" "	34,590,	" "	1 " 1180
Addison Co.,	23	" "	29,581,	" "	1 " 1079
Orange Co.,	17	" "	16,521,	" "	1 " 1459
Caledonia Co.,	15	" "	24,077,	" "	1 " 1593
Washington Co.,	17	" "	22,735,	" "	1 " 1394
Caledonia Co.,	17	" "	22,814,	" "	1 " 1394
Franklin Co.,	14	" "	22,411,	" "	1 " 1732
Orleans Co.,	19	" "	21,214,	" "	1 " 717
Larade Co.,	14	" "	10,375,	" "	1 " 873
Grand Isle Co.,	5	" "	3,851,	" "	1 " 769
Ross Co.,	13	" "	4,820,	" "	1 " 328

And let us compare the representation of some of the Counties in the Senate.

Grand Isle, with a population of 3851, less than one-tenth of the population of Windsor County, has one-fourth as much power in the Senate.

Larade, Grand Isle and Ross Counties, with less than one-half the population of Windsor County, have three-quarters of the representation of Windsor County, and the Counties of Grand Isle and Ross, with a 1/10th of the population of the State, have a 1/16th part of the representation in the Senate.

This comparison might be continued with similar results to a much greater extent.

With these facts and views before us, we could not otherwise conclude than that the system of representation in this State, and, particularly, in the House of Representatives, is unequal, and at variance with the principles of representative governments;—it is anomalous,—being based upon territory independent of population, like that of no other State in the Union. And when it is considered that this form of representation was adopted "in order that the Freedmen of this State might enjoy the benefit of election as equally as may be," we are disposed to place it with that other anomaly, the existence and protection of a system of slavery in a country whose government is based upon the declaration that "all men are born free and equal." We would not, by this remark, be understood as questioning the sincerity of the professions of those persons of liberty either of the State or Nation, but as showing how far the force of circumstances may control the operation of the most sacred principles. For in the peculiar condition of Vermont, with her handful of people, struggling for existence against the assaults of a triple enemy, and endeavoring by every means and instrument to increase her limited population—we are

not supposed that she, for the time being, with a simultaneous declaration of attachment to the principle of equal representation, and, availing by the Constitution itself a ready mode of alteration and correction, should have adopted as the most consistent mode of representation, and one calculated to encourage the settlement and organization of her towns, that of a representative to each, irrespective of population,—nor was we supposed that such a mode has been so quickly tolerated, when we reflect that the population of the several towns has hitherto been more nearly equal; the State has been almost exclusively agricultural, and all parts having, of course, very similar interests. But the times are changing, nay, are changed; we are becoming a commercial and manufacturing people as well as agricultural; large towns are growing up with great and peculiar interests, which ought to be represented, and it is worse than vain to say that the people of the large towns should be content to have those new and important interests controlled by a system of representation so unequal. The principle is too plain to admit of an argument—but what shall be done? Shall the representation be placed upon a stiller popular basis? We say, under the circumstances, No—whatever we might say were it a new question—but let the representation be so modified that while it shall not materially increase the number of representatives, it shall afford a reasonable relief to the large towns—or, at least, shall signify our respect for the great principle upon which is based the temple of civil liberty.

To accomplish this end, your Convention submit the following as a substitute for the 7th and 8th sections of the second part of the Constitution:—

The House of Representatives of the Freemen of the State shall consist of persons most noted for wisdom and virtue to be chosen by ballot by the Freemen of the State on the first Tuesday of September, annually, forever; and the representatives shall be apportioned to and elected by the several towns, respectively, as follows: to each town having more than one hundred inhabitants and less than three thousand inhabitants, there shall be one representative;—to each town having three thousand and less than seven thousand inhabitants, there shall be two representatives;—to each town having seven thousand and less than twelve thousand inhabitants, there shall be three representatives;—to each town having twelve thousand and less than eighteen thousand inhabitants, there shall be four representatives;—to each town having eighteen thousand and less than twenty-five thousand inhabitants, there shall be five representatives;—and to each town for every additional ten thousand inhabitants there shall be one representative;—and for each fifteen hundred of the fraction of the population of each County one and above the ratio of fifteen hundred inhabitants to one representative in said County, there shall be a representative chosen, at large, by

rich towns in said County as have not less than one thousand and more than three thousand inhabitants.

The effect of the foregoing amendment, under the present census, would be to add to the House of Representatives, five representatives from towns to wit, one from Bennington, one from Windham, one from Middlebury, one from Burlington, and one from Montpelier; and to the representatives from the County it would add six representatives at large, to wit: One from the County of Windsor, elected by eleven towns; one from the County of Orange, elected by thirteen towns, and one from the County of Franklin, elected by eleven towns,—making the whole addition to the present House of Representatives above,—from which, if we deduct the representatives from the four towns having less than one hundred inhabitants, the number of the House will be increased, under the present census, by only seven members.

But what will be effect be under the coming census? If the increase of the population of the State for the current ten years be no greater than from 1830 to 1840, is wit: 11,371, which we think it fair to assume it will not be, considering the increasing immemorial emigration, the whole addition, under the proposed amendment, would be but fourteen members to the present House of Representatives—being seven for the additional eleven thousand inhabitants. Assuming the increase of population for the next fifty years to be at the rate of eleven thousand each ten years, which amounts to 55,000; and assuming that only one-half that number will be effective in increasing the representation, [the other half being estimated in towns and counties below the ratio of increased representation,] and we shall have but an addition of twenty-five representatives, which, with the fourteen added after the next census, will make but thirty-nine members as the whole number to be added to the House of Representatives at the close of the twentieth century,—making the average addition to the House for the next fifty years a fraction over sixteen members.

Your Committee cannot suppose that it is contemplated by the Council, or by any body of sane men, that the present system of representation is to be continued through all time, however swayed the population in the towns may become, and, therefore, they hope, or rather presume, that the foregoing or a similar article of amendment will meet the approval of the Council. It is needless, it is considered as forestalling any sentiment on this subject, and it is in behalf of popular rights. That part of the article which provides relief to those towns having 1000 inhabitants and less than 2,000, your Committee conceive to be, though somewhat peculiar, yet when understood, quite simple, affording a clear and distinct rule, and a form of representation the more valuable because it is peculiar, and does not (as is spoken) fall into the track of any

other representation; and, as such, may be a materially conservative element in high party issues.

All which is respectfully submitted by

JOHN N. POMEROY,

19th Feb., 1880.

For Committee.

Which Report was read and accepted.

And on the motion of Mr. Hart, to print one hundred copies of the Report, the yeas and nays being demanded, were as follows:—

Yeas—Messrs. Stewart, Cook, Bell, Hart, Williams.—3.

Nays—Messrs. Hart, Dewey, Allen, Crawford.—4.

So the motion to print was carried.

Mr. Pomeroxy did not vote.

On motion of Mr. Stewart, the Report was referred to the Committee of the Whole, and made the order of the day for Wednesday morning.

Mr. Pomeroxy called up the Resolution of Mr. Dewey as to the appointment of a Judiciary Committee, which, after discussion, was adopted by

Yeas—Messrs. Starr, Bell, Dewey, Crawford, Hart, Williams.—6.

Nays—Messrs. Stewart, Cook, Allen, Pomeroxy.—4.

On motion of Mr. Dewey,

Resolved, That the Judiciary Committee be instructed to make inquiry and report as to the expediency of so altering the Constitution as to give the election of Judges and Justices to the people.

The Council adjourned.

ARRAINGERS.

Mr. HERRICK, a member of the Council, appeared and took his seat.

The Chair announced the appointment of Mr. Starr, Mr. Hart and Mr. Bell as the Judiciary Committee.

Mr. Dewey from Committee on the Subject of the Term and Classification of Senators, made the following report:—

To the Hon. the Council on Commerce now in session:

Your Committee to whom was re-committed the resolution of Mr. Dickinson as to extending the term of service of Senators, and the report of Mr. Crawford Thomas, and to whom was referred the proposition of Mr. Dewey instructing the Committee in relation thereto, would respectfully report:—

That they have had those matters under consideration, and report the following article and recommended that it be proposed as an amendment to the Constitution, viz:—

At the first session of the Senate held after September A. D. 1880, the Senators shall by their own body, by lot or draft as so far as the same

may be necessary between Senators from the same County, be divided into three classes, as follows:

Two of the Senators from Windsor County, one Senator from each of the Counties of Windham, Rutland, Orange, Franklin, Bennington, Chittenden, Washington and Essex, shall constitute the first class.

One of the Senators from each of the Counties of Windsor, Windham, Rutland, Orange, Franklin, Bennington, Addison, Washington, Caledonia and Orleans shall constitute the second class.

One of the Senators from each of the Counties of Windsor, Windham, Rutland, Orange, Franklin, Addison, Chittenden, Caledonia, Lamoille and Grand Isle, shall constitute the third class—each division into classes to be entered on the journals of the Senate, with the names of the Senators assigned to their respective classes, and the terms of the first class shall be vacated at the expiration of their first year's service—those of the second class at the expiration of the second year—and those of the third class at the expiration of the third year, and the election of Senators thereafter by the Electors shall be for three years, or for any unexpired term if a vacancy should occur.

All which is respectfully submitted,

JOHN DEWEY,

For Committee.

Which report was accepted and laid upon the table.

The Council adjourned.

THURSDAY, 29th February 1845.

Prayer by the Rev. Mr. Bush.

The Journal of yesterday was read and approved.

Mr. East, from the Committee on the Judiciary, made the following report:—

"That Committee to whom was referred the resolution of Mr. Dewey, in regard to the election of Judges and Chancellors, would report that they deem it inexpedient to alter the manner of selecting the courts."

Which report was read, accepted and laid upon the table.

The Secretary presented and read the following memorial from Ivory Loom, to wit:

To THE HON. COUNCIL OF CHURCHES and DEACONS of the town of:

Your petitioner, Ivory Loom, in the town of Mansfield, in the State of Vermont, respectfully shews, that the Legislature of the State of Vermont, at their session in 1843, passed an act entitled "An Act to amend Mansfield to Stone," in and by which act the town of Mansfield is incor-

ed to and has become a part of the town of Slaves in the County of Lincoln. That your petitioner has been an inhabitant and proprietor of land in the town of Mansfield since the year 1803, and is of the opinion that the Legislature has no power to blot out a town that has been legally chartered and sustained by continuing it to another. And your petitioner further represents and shows that the town of Mansfield was lawfully incorporated and sustained, and your petitioner further prays that your honorable body will maintain as to the constitutionality of said law, annulling Mansfield as Slaves, and report thereon, and your petitioner will ever pray.

February 18th, 1844

EVERT LOUR

Which memorial was, on motion, referred to the Committee on the Powers of the Constitution.

Mr. Holard from the Committee on the Powers of the Constitution "to whom was referred a resolution directing them to enquire whether Justices of the Peace have recorded their judicial proceedings as directed by law," made report, that in their judgment the subject matter of this resolution appropriately belongs to to the charge of the Judiciary Committee, and they therefore ask leave to be discharged from the further consideration of this subject, and that the same be referred to the next session Committee.

Which report was accepted, the Committee discharged, and the subject was referred to the Judiciary Committee.

Mr. Holard, from the Committee on the Powers of the Constitution, to whom was referred the resolution of Mr. Crawford as to the expediency of so changing the 19th Section of the Constitution as to dispense with the requirement thereof of returning the ballots of the Free-men for Governor, Lieutenant Governor, and Treasurer, to the General Assembly, made report that for the reasons therein stated, "it is not expedient to make the proposed alteration."

Which report was read, and accepted, and, on motion, adopted by the Council.

Mr. Holard from the same Committee, made the following report:—
To the Council of Censors now in session :

The Committee on the Powers of the Constitution, to whom was referred a resolution in relation to the present mode which the Legislature have adopted of referring to chapters and sections of the acts which they alter or amend, without naming the subject matter of such alteration or amendment, respectfully report—

That they are fully impressed with the magnitude of the evil referred to, and of the importance of having it corrected. But the Committee do

not consider that this Council have any power or control over the actions of the Legislature in this respect.

The mode of referring to, or designating the particular allegations or statements of the laws by the Legislature, is with them a matter of taste and judgment, and does not come within the recommended measures which this Council have the power to suggest.

This Committee, therefore, recommend that the subject matter of this complaint be brought to the notice of the President of this State, through a declaration of the Chamberlain, who was appointed to draft an address, and hope it for the President to take such measures to correct the evil, as they may deem proper.

All of which is respectfully submitted, by

WM. HENRIED,
For Committee.

Which report was read and accepted, and on motion, adopted by the Council.

The Council adjourned.

ANNEAPOLIS.

The Council resolved itself into a Committee of the Whole on the resolution of Mr. Derry relating to the calling of a Convention, Mr. Crawford in the Chair, and the Committee, after consideration of the subject, rose, reported progress, and had leave to sit again on Wednesday afternoon at 3 o'clock.

The Council adjourned.

WATERBURY, 21st February, 1845.

Papers by the Rev. Mr. Courten.

The Journal of yesterday was read and approved.

The Council resolved itself into Committee of the Whole, Mr. Starr in the Chair, on the report of Mr. Pomeroy as to the inequality of representation.

The Committee, after consideration of the subject, rose, reported progress, and had leave to sit again at half-past six this evening.

The Council adjourned.

A. 1850.

Mr. Bart, from the Committee on the Judiciary, to whom was referred the subject of neglect of Justices of the Peace to make records of their proceedings, made the following report:—

To the Council of Censors and its members.

Your Committee would report, that in many instances, known to your Committee, Justices of the Peace have not complied with the requirements of the Statute, in keeping a book of records of their judicial proceedings.

When we reflect on the extent of the jurisdiction of Justices of the Peace, the amount of property involved, the title of land often at stake, and in criminal proceedings, the liberty of the citizen often in jeopardy, we deem it of the utmost importance that Justices of the Peace should, in all and every instance, comply with the requirements of the Statute in keeping a book of records of their judicial proceedings, in due and legal form. But to what extent this dereliction of duty has extended, your Committee are not informed, and as it would be impossible, during the existence of the Council to make a full examination into the subject, they ask to be discharged from its further consideration.

All of which is respectfully submitted, by

AUGUSTUS BURT,

For Committee.

Which report was read, accepted and adopted, and the Committee discharged from the further consideration of the subject.

The Council in Committee of the Whole, Mr. Crawford in the Chair, resumed the consideration of the resolution as to calling a Convention, and after considering the same, rose, reported progress, and had leave to sit again at 7 o'clock this evening.

On motion,

Resolved, That when the Council adjourns, they adjourn to meet at half-past six this evening.

The Council adjourned.

B. 1850.

The Council in Committee of the Whole, took up the report of Mr. Penney on the subject of criminal representation, Mr. Starr in the Chair, and after considering and discussing the subject, the Committee rose, reported progress, and had leave to sit again at 2 o'clock P. M. to-morrow.

The Council in Committee of the Whole, Mr. Crawford in the Chair,

took up the resolution of Mr. Dewey as to the calling of a Convention, and after considering the same, rose and recommended the adoption of the same with the following amendments: "providing that the Convention be called on the same principles as former similar Conventions have been called."

The Council adjourned.

THURSDAY, 23d February, 1849.

Prayer by the Rev. Mr. Smith.

The Journal of yesterday was read and approved.

The proposition of amendments before the Council on its adjournment last evening, was taken up and the amendment adopted, and the resolution as amended laid upon the table.

A communication from the Auditor of Accounts was presented and read, and on motion, referred to the Committee on Taxes and Expenditures.

Mr. Dewey introduced the following resolution which was adopted:—

Resolved, That the Committee on the Powers of the Constitution be instructed to enquire whether the act No. 1, of the Public Acts passed by the General Assembly at their session in 1848, entitled "An Act laying a tax on lands in Brooklyne," is not an unjust and an unequal taxation of real lands, and therefore contrary to the true spirit of the Constitution.

Mr. Dewey introduced the following resolution, which was read and referred to the Judiciary Committee:—

Resolved, That the Constitution ought to be so altered as to provide for the choice of the Secretary of State by the Freemen of the State.

Mr. Store from the Committee on the Judiciary, made the following report upon the foregoing resolution: "that the Constitution ought not to be amended as contemplated in said resolution."

Which report was accepted and laid upon the table.

The report of Mr. Store from the Committee on the Judiciary (p. 46) made on the resolution of Mr. Dewey, as to the election of Judges and Chancellor by the Freemen, and adverse thereto, was called up and adopted by yeas and nays, as follows:—

YEAS—Messrs. Alden, Ball, Crawford, Cook, Richard, Pomeroy, Store, Stowell and Williams.—(8.)

NAYS—Mr. Dewey.—(1.)

The report of the Committee on the Resolution of Mr. Dewey, recommending the election of Secretary of State by the Freemen of the State, and adverse thereto, was called up and adopted.

The report of Mr. Jones, from Committee on Taxes and Expenditures, (pp. 33-4) which had been laid upon the table, was called up and after discussion, was again laid upon the table.

The report of Mr. Dewey as to the terms and classification of Senators, (pp. 41-2) was called up, and the article of amendment to the Constitution therein proposed was, on motion of Mr. Dewey, amended by adding, "upon any new apportionment of Senators, the Legislature may make a new classification of the Senators and all elections of Senators shall be made and held subject to such classification," and the report was again laid upon the table.

The Council adjourned.

Afternoon.

The Council in Committee of the Whole, Mr. Starr in the Chair, took up the report of Mr. Peasey on the subject of unequal representation, and after considering the same during the afternoon, rose, reported progress, and had leave to sit again to-morrow at 2 o'clock P. M.

The Council adjourned.

FRIDAY, 21st February 1819.

Prayer by the Rev. Mr. Foster.

The Journal of yesterday was read and approved.

The report of Mr. Richard from the Committee on the Powers of the Constitution, as to the mode of taking certificates for State Treasurer and Sheriff, as follows:—

TO THE COUNCIL OF SENATORS NOW SITTING :

The Committee on the Powers of the Constitution, to whom was referred a resolution directing them to inquire whether the Constitution does not require an amendment in regard to the giving certificates by the Treasurer of the State and the Sheriff of the several Counties, respectfully report:—

That by the 27th Section of the Second Part of the Constitution of this State, the Treasurer of the State is required to give security to the Secretary of State in behalf of the General Assembly, before the Governor and Council, and each High Sheriff before the next Term of the County Court.

When this provision and phraseology was engrafted into the Constitution, one branch of the Government consisted of a Council, but by the

amendments to the Constitution which were adopted in 1885, this Council was superseded by a Senate. And by the 5th Article of these amendments, all the duties vested in, or imposed upon the Governor and Council, by the 27th section of said Second Part of the Constitution, are required to be performed by the Governor.

We are, therefore, of the opinion, that the Constitution sufficiently provides for the taking security of the Treasurer, and in that particular needs no amendment.

Your Commission further report, that in their opinion, some uncertainty exists as regard to the proper mode for the giving securities by the Sheriffs of Counties, and that different practices prevail in different Counties. The uncertainty arises from the new location of our Judiciary, since the adoption of the Constitution. As our Courts are now constituted, one Judge of the Supreme Court, and two Assistant Judges, appointed for the County, constitute the County Court. The uncertainty in the practical construction of the Constitution grows out of the feature in the County Courts. If the Judge of the Supreme Court, who shall preside at the County Court is to be regarded as the *first Judge* of the County Court, in due Constitutional sense, then there is a practical difficulty—the same Judge of the Supreme Court presides in more than one County.

We are, therefore, of the opinion that the great importance of having the securities required of the Sheriffs, legally and Constitutionally taken, justify an amendment of the Constitution in this particular, and we recommend the following as a substitute for the said 27th Article of the Second Part of the Constitution, to wit:—

The Treasurer of the State shall, before entering upon the duties of his office, give sufficient security to the Secretary of State, in behalf of the State of Vermont, before the Governor of the State, or one of the Judges of the Supreme Court; and each Sheriff and High Sheriff, before entering upon the duties of his office, shall give sufficient security to the Treasurer of their respective Counties before one of the Judges of the Supreme Court, or the two Assistant Judges of the County Court, of their respective Counties, in such manner and in such cases as shall be directed by the Legislature.

All which is submitted by

WM. HEBARD,
For Counselors.

Was read, accepted, and laid upon the table.

Mr. Hebard from the same Commission, made report on the resolution relative to the act of the Legislature laying a tax on Headleysale, which was read and re-considered.

The report of Mr. Jones as to location of wild lands, [pp. 33-4] was called up by Mr. Starr, and was, on his motion, amended by the adoption of the following resolution in the place of the resolution recommended by the Committee:—

Resolved, That in the judgment of this Council, by the present taxing laws of this State, a disproportionate share of the taxes is imposed upon real estate, and more especially upon wild lands, which are in possession not only unproductive, but considerable and not increasing in value, and that an unjust, oppressive and unequal burden thus falls upon the non-resident proprietors of such lands.

The yeas and nays being demanded were as follows:

YEAS—Messrs. Allen, Bell, Crawford and Starr.—(3.)

NAYS—Messrs. Bart, Cook, Stewart and Williams.—(4.)

And the report and resolution so amended were adopted.

Mr. Devey from the Committee on the resolution of Mr. Deffen, as to the election of County and Probate officers, made the following report:—

To the Hon. Council now in session:

Your Select Committee to whom was referred the resolution of Mr. Deffen in relation to the election of County and Probate officers, and in whom the same subject was re-committed, with instructions to report articles of amendment, &c., would respectfully report the following articles of amendment to the Constitution, agreeably to the terms of said report and instructions, viz:—

ART. 1st. The Assistant Judges of the County Court shall be elected by the Free-men of their respective Counties.

2d. Sheriffs and High Sheriffs shall be elected by the Free-men of their respective Counties.

3d. State's Attorneys shall be elected by the Free-men of their respective Counties.

4th. Judges of Probate shall be elected by the Free-men of their respective Probate Districts.

5th. Justices of the Peace shall be elected by the Free-men of their respective towns, not exceeding ten to any one town.

6th. All the officers named in the preceding five articles of amendment shall be annually elected by ballot, and shall hold their offices for one year, said year commencing on the first day of December next after their election.

7th. The election of the several officers mentioned in the preceding six articles, shall be made at the times and in the manner now directed in the Constitution for the choice of Senators. And the presiding officer, after the votes shall have been taken, sorted and counted, shall in open

Presman's meeting, make a certificate of each person voted for, with the number of votes given for each, annexed to his name and designate the office for which the votes were given, a record of which shall be made in the Town Clerk's office, and he shall send up said certificate and shall write on the same the name of the town and the words "certificate of votes for," and add thereto, in writing, the title of the office voted for, as the case may be, and shall deliver each certificate to some representative church to attend the General Assembly, whose duty it shall be to cause said certificate of votes to be delivered to the Committee of the General Assembly appointed to examine the same;

And at the sitting of the General Assembly next after such holding for the officers aforesaid, there shall be a Committee appointed of and by said General Assembly, who shall be sworn to the faithful discharge of their duty, and whose duty it shall be to examine such certificates and ascertain the number of votes given for each candidate, and the highest in nomination for the respective offices shall be declared duly elected, and by the Committee be reported to the General Assembly, and the officers so elected shall be commissioned by the Governor, and if two or more persons designated for any one such office, shall have received an equal number of votes, the General Assembly shall elect one of them to such office.

All which is respectfully submitted by

JOHN DEWEY,
For Committee.

Which was read, accepted and laid upon the table.

The Council adjourned.

ANNEXURE.

Mr. Cool from Committee to whom was referred the communication of the Auditor of Accounts, made report: "that it was not, in the opinion of the Committee, necessary for the Council to take further action thereon."

Which report was accepted and adopted.

The following petition of Levi Underwood and L. P. Budgett was presented by Mr. Cool, read and referred to the Committee on the Petition of the Constables:—

To the HONORABLE COUNCIL OF CHURCH:

Your petitioners beg leave respectfully to call your attention to the act of the Legislature of Vermont, approved Nov. 2d, 1843, entitled "An Act relating to licensing teachers and retailers."

Your publication desires your consideration of Sections 2 to 14 inclusive, and beg leave to suggest that the 9th Sec. is in violation of Art. 3 of the amended articles of the Constitution of this State, by submitting a matter to the people which is vested in the Legislature by said Article. Also, because, by the terms of said 9th Sec., voters in town and Freeman's meeting are constituted voters upon a question of Legislation.

If the act is to be considered that a voter must have both the qualifications of voters in town and Freeman's meeting, then many Freeman will be disfranchised. If they need have but one qualification, then persons not naturalized, are authorized to exercise all the powers of Freeman in relation to the subject of Legislation. The other Sections are based upon this.

We therefore pray that you will give the subject your consideration, and as in duty bound your petitioners will ever pray.

LEVI UNDERWOOD,
L. P. BLOODGETT.

The Council, in Committee of the Whole, Mr. Starr in the Chair, took up the Report of Mr. Penney on the subject of unequal representation, and after considering the same, rose, reported progress, and had leave to sit again to-morrow morning at 9 o'clock.

The report of Mr. Dewey, as to the election of County officers, (pp. 4-31) was called up, and after several amendments, was laid upon the table.

The Council adjourned.

SARASOTA, 24th February, 1846.

Prayer by the Rev. Mr. Bush.

The Journal of yesterday was read and approved.

Mr. Hubbard from the Committee on the Powers of the Constitution, made the following report:—

To the COMMISSIONERS OF CANALS :

The Committee on the Powers of the Constitution, to whom was referred a resolution directing them to enquire whether the act of 1843, No. 1, laying a tax on the lands in Bradleyville, be not unjust and unequal, and therefore contrary to the true spirit of the Constitution, beg leave to report:—

That if the lands in Bradleyville are in any degree similar to lands in the other towns in the State, with which this Committee are requested, this tax must be very "unequal." That tax has no reference to the value of the land, but each acre of land is taxed equally, without regard to its

product must at last find value. This mode of raising money for the building of roads has, from the early formation of the Government, been adopted, and when the practice began to prevail, there might have been an occasion for it that does not now exist. There may be some reason to doubt the Constitutionality of that mode of raising money. It is clearly a departure from the ordinary mode, in two particulars. One is, that it is not a general law, affecting the whole community; and the other, is the one already named, that it is a specific tax upon the land without regard to its value. But it is a feature in the increasing history of the State, that has so long been acquiesced in by the people, without bringing any measures to test its constitutionality, that it has thereby received a practical construction. And we are, therefore, the more unwilling to express any decided opinion upon the question of its constitutionality, but leave that question to be decided by the Supreme Court, to which any one having an interest in the question can appropriately resort.

The Committee therefore felt to be discharged from any further consideration of the subject.

WM. HERARD,
for Committee.

Which report was accepted and adopted, and the Committee discharged.

Mr. Herard from the same Committee, made the following report:—

To the GENTLEMEN OF CHAMBERS:

The Committee on the Powers of the Constitution to whom were referred two resolutions, by which they were directed to enquire into the expediency of commanding the Constitution, that the Governor, Lieutenant Governor and Treasurer, shall hold their respective offices till others are chosen, and qualified;—and also to enquire whether there is any provision by which any officer of the Government can exercise the office of Governor in case of a vacancy of both the Governor and Lieutenant Governor;—and whether the term during which the Governor and Lieutenant Governor shall exercise their respective offices is sufficiently defined by the Constitution, respectfully report:—

That by the Constitution the particular period of time when the several officers vacate it shall come to exercise the duties of their respective offices is not specifically defined.

These officers are to be voted for by the Freemen, on the first Tuesday in September in each year—of course the election is to be annual—but the result is not to be known till the Legislature shall convene, and then by a continuing Committee of the two Houses; but what particular day or time in the session this is to be done, is no where provided in the Constitution. When the continuing Committee make their report, so they

are to do, if it is ascertained that the Freemen have made an election, the individuals so elected, immediately enter upon the duties of their respective offices, and by the next annual conference we should say that the term of the previous year ceased, when the new one began. And although this is not specifically declared by the Constitution, yet it is a conclusion that is arrived at by a natural train of reasoning. If, by the report of the circulating Committee, it is ascertained that the Freemen have made no election, the Senate and House of Representatives by joint ballot, are required to make the election—but at what particular time in the session is not prescribed. And until an election shall be made by the House of Representatives and Senate, the officer must be vacant unless the incumbent continues in office until his successor is elected. And, therefore, to remedy any supposed defect or uncertainty in the particular, and to supply any supposed defect, the Committee recommended the adoption of the following article, to be added to, and to become a part of the Constitution, to wit:—

The term of office of the Governor, Lieutenant Governor and Treasurer, of the State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the Term of one year, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature, at which, by the Constitution and laws, their successors are to be chosen. And the Legislature shall provide, by law, deciding what officer shall act as Governor whenever there shall be a vacancy in both the offices of Governor and Lieutenant Governor, occasioned by a failure to elect, or by the removal from office, or by the death, resignation, or inability of both the Governor and Lieutenant Governor to discharge the powers and duties of the office of Governor. And such officer so designated, shall exercise the duties and powers appertaining to the office of Governor, accordingly, until the disability shall be removed, or a Governor shall be elected; and in case there shall be a vacancy in the office of Treasurer, by reason of any of the causes before enumerated, the Governor shall appoint a Treasurer for the time being, who shall act as Treasurer until the disability shall be removed, or a new election shall be made.

All which is submitted by

WM. HERARD,

For Committee.

Which report was read, accepted and laid upon the table.

The Council in Committee of the Whole, Mr. Starr in the Chair, took into consideration the report of Mr. Pomeroy as to amending representation, and after amending the same by striking out in the 7th, 8th and 9th line of the amendment proposed, as follows: "having more than one hundred in-

habitués and less than three thousand inhabitants," was read and made report that the article as amended ought not to be adopted.

Which report of the Committee of the Whole being before the Council, Mr. Bart moved the following as a substitute:—

The House of Representatives of the Province of this State shall consist of 100 persons most suited for wisdom and virtue, to be chosen by ballot by the Free-men of the several Counties of this State, on the first Tuesday of September, annually, forever. And until the next course of the United States Government, or a course when by this State for this purpose, the representatives shall be proportioned among the several Counties in the following manner:—

- The County of Bennington shall have six Representatives.
- The County of Windham shall have seven Representatives.
- The County of Windsor shall have fourteen Representatives.
- The County of Rutland shall have ten Representatives.
- The County of Addison shall have eight Representatives.
- The County of Orange shall have nine Representatives.
- The County of Chittenden shall have eight Representatives.
- The County of Washington shall have eight Representatives.
- The County of Colchester shall have seven Representatives.
- The County of Franklin shall have eight Representatives.
- The County of Orleans shall have five Representatives.
- The County of Lamoille shall have five Representatives.
- The County of Essex shall have two Representatives.
- The County of Grand Isle shall have two Representatives.

Mr. Crawford moved as to amend the amendment so to have the whole number of representatives 150 instead of 100 members.

Which amendment to the amendment was adopted.

The Council adjourned.

Afternoon.

The Council considered the same subject which was before them on their adjournment; and the proposition of Mr. Bart as amended was rejected by yeas and nays:

Yea.—Mr. Bart.—(1.)

Nay.—Hayes, Allen, Bell, Crawford, Cook, Dewey, Eichen, Pomeroy, Shaw, Snowball and Williams.—(10.)

An amendment to the article reported was then proposed by Mr. Hubbard, as follows:—strike out all after "as follows" in the 7th line, and insert the following:—"To each town having less than twenty-five hun-

small inhabitants, one representative—to each town having 2500 inhabitants, two representatives, and for every 1000 inhabitants beyond 2500 in any one town, there shall be one additional representative,”—which amendment was amended on motion of Mr. Pomeroy, by adding thereto the following:—“The number of inhabitants as referred to in the foregoing article to be ascertained from the latest census which may have been taken by the State or United States.” And the amendment as amended was adopted by yeas and nays.

YEAS—[3.]

NAYS—[2.]

And on the question of the adoption of the article as amended, the yeas and nays being demanded, were as follows:—

YEAS—Messrs. Bart, Cool, Pomeroy, Stans, Stowell and Heland.—[6.]

NAYS—Messrs. Allen, Bell, Crawford, Dewey and Witham.—[5.]

So the article was adopted, and its motion, referred to the Committee of Revision and Engraving.

The report of Mr. Richard as to the form of office of Governor, Lieutenant Governor and Treasurer, was taken up, and on the question of its adoption, the yeas and nays being demanded, were as follows:—

YEAS—Messrs. Allen, Bell, Bart, Cool, Crawford, Pomeroy, Stans and Stowell.—[8.]

NAY—Mr. Dewey.—[1.]

So the report was adopted and the article of amendment therein proposed was referred to the Committee of Revision and Engraving.

Mr. Dewey made the following report as to the election of Clerks of Courts and Registers of Probate:—

TO THE HON. THE COMMISSIONERS OF COMMONS NOW IN SESSION:

The Committee to whom was referred the resolution of Mr. Dewey as to the election of Clerks of Courts and Registers of Probate, would respectfully report:—

That we have had that subject under consideration, and that we are of the opinion that Clerks of Courts are mere recording officers, not having or exercising any judicial power whatever, and that we do not think it expedient to recommend any change in the manner of their appointment.

Registers of Probate are not merely recording officers, but in certain cases act so and perform the duties of Judges of Probate—they are appointed by the Judge of Probate, and when the Judge of Probate is a party in interest in matters before the Probate Court, the Register of Probate adjudicates the same. We think the office one of too much impor-

case to be in the gift of any single individual, and that individual the one who is trial before the Court of his own appointment. In case of a vacancy in the office of Judge of Probate, the Register succeeds to the office of Judge.

We would recommend to the Council the following article of amendment to the Constitution, viz:

"Register of Probate shall be elected by the Freeholders of their respective Probate Districts."

All which is respectfully submitted by

JOHN DEWEY,

For Councilors.

Which report was read, accepted and adopted, and the article of amendment proposed was referred to the Committee of Relations and Recommendations.

The Council adjourned.

NEWARK, 26th, February, 1842.

Prayer by the Rev. Mr. Carpenter.

The Journal of Saturday was read and approved.

Mr. Dewey from the Legislative Committee made report:—

"That they have examined the laws passed by the General Assembly during the last session, and we do not find in them any thing which in our opinion requires the action of the Council, except in those cases to which the attention of the Council has already been particularly directed."

Which was accepted and adopted.

Mr. Stewart introduced the following resolution:—

Resolved. That this Council adjourn without day on Wednesday morning next.

Which resolution was laid upon the table.

On motion of Mr. Dewey,

Resolved, That a Committee of three be appointed to make up the do-
cuments of this Council.

Mr. Stewart, Mr. Crawford and Mr. Allen were appointed said Com-
mittee.

On motion of Mr. Helard,

Resolved, That the Secretary make, examine, adjust and certify the
incidental expenses of this Council.

Mr. Penney called up the report of Mr. Helard as to the security to
be given by the State Treasurer, Sheriff and High Bailiffs, and the ar-

bill of amendment therein recommended, after various amendments, was on motion adopted and referred to the Committee of Revision and Engagement.

The report of Mr. Dewey as to the election of County officers by the people, was taken up, and on motion of Mr. Bart, the fifth article thereof was amended by adding a restriction as to the number of Justices, as follows:—

"Towns having less than 1000 inhabitants, may elect any number of Justices of the Peace not exceeding five; towns having 1000 and less than 2000 may elect seven; towns having 2000 and less than 3000 may elect ten; towns having 3000 and less than 5000 may elect twelve; and towns having 5000 or over may elect fifteen, Justices of the Peace."

The Council adjourned.

At the next.

Mr. Dewey offered the following resolution which was adopted:

Resolved, That the Committee of Revision and Engagement examine the Constitution of this State, and report the articles of the present Constitution which the Council have proposed, or may propose, to amend, alter or abolish.

The Council took up and further considered the report of Mr. Dewey, which was under consideration at the adjournment, relative to the election of County officers by the people, and adopted the same, article by article—on the 5th article as amended, the yeas and nays being demanded were as follows:—

Yeas—Messrs. Bart, Crawford, Cool, Dewey, Richard and Pomeroy.—(5)

Nays—Messrs. Allen, Bell, Starr, Stowell and Williams.—(5)

So that article was also adopted, and the whole referred to the Committee of Revision and Engagement.

Mr. Dewey introduced a resolution as to printing the journals, which was read and laid on the table.

Mr. Dewey called up the report as to the term and classification of Senators, and on the question of its adoption the yeas and nays being demanded were as follows:—

Yeas—Messrs. Allen, Bart, Dewey, Pomeroy and Starr.—(5)

Nays—Messrs. Bell, Crawford, Cool, Richard, Stowell and Williams.—(5)

So the report was rejected.

Mr. Stowell introduced the following resolution:

Resolved, That a Committee of two be appointed to draft an Ordinance for a Convention to take into consideration the amendments of the Constitution to be proposed by the Council of Censors.

Which was read and adopted.

Mr. Hubbard and Mr. Stowell were appointed said Committee.

Mr. Stowell introduced the following resolution :

Resolved, That the Constitution ought to be so amended that the propositions hereafter recommended by the Council of Censors may be submitted directly to the Freemen of the State.

Which was read and referred to a Committee of three, to wit :—

Mr. Stowell, Mr. Cavetee and Mr. Stone.

Mr. Stowell's said Committee, made report recommending the adoption of the following article of amendment to the Constitution, to wit :

"All propositions for the alteration or amendment of the Constitution of this State, made by any future Council of Censors, shall be submitted directly to the Freemen of the State for their consideration and adoption, or rejection, in the mode and manner hereafter to be provided by law."

Which report was accepted, and during its consideration

The Council adjourned.

THURSDAY, 27th February, 1845.

Prayer by the Rev. Mr. Parker.

The Journal of yesterday was read and approved.

Mr. Hubbard presented the following printed memorial from Charles Adams, President of the Vermont Temperance Society :—

To the Honorable Councils of Censors now in session :

The memorial of Charles Adams shews that he has the honor to be the President of the Vermont Temperance Society, and in their name and behalf he begs leave to ask the attention of your august body to the inquiry whether the Legislature, in the enactment of laws legislating the traffic in intoxicating liquors, "have performed their duties as guardians of the people," and whether by the enactment of laws, the effect of which is to give to a few the exclusive privilege of vending such liquors, they have not "exercised other and greater powers than they are entitled to by the Constitution."

The true idea of Government is that it is an instrument for carrying into effect the principles on which it is founded. The best definition of republicanism is the application of the principles of Christianity to the business of life. These principles have for their object the highest elevation of man as an intellectual, moral and accountable being. All laws,

therefore, to be justifiable, must be right in themselves, must secure men in the enjoyment of their rights as social beings, and must have a direct tendency to promote their prosperity and happiness. Laws thus characterized, are within the competency of a legislative body, but if not, they cannot be justified, and their enactment is an usurpation of power not warranted by the divine will, and their enforcement destruction of the legitimate object of government, and injurious to the people they are designed to protect.

The enquiry proposed is of a grave character, demanding great thought and patience in its investigation.

Is the traffic in human beings right? As a moral question, never more solemn can be presented to the consideration of a body invested with the power of sitting in judgment upon the doings of the highest body known to the Constitution!

What makes any thing right, or any thing wrong? What gives character to human conduct? In what way shall we determine the moral character of a public measure? In other words, what is the great law of right and wrong? Without taking time to discuss the various theories that might be suggested, your memorialist begs leave to state in a few words what he believes to be the true theory of right and wrong.

Every created thing is subject to some rule which may be said to be the law of its creation. There is a law of the heavenly bodies, regulating their motions and prescribing their courses. There is a law of animated nature, giving life, energy and power and to all below man, breathing into them an instinct, perfect in its nature and sufficient for all the objects of their being. So in all things, we can discover a law, giving to the eye its vision, and to the lightning the force of its force, while the flower that blossoms at our feet, gives evidence of a law of love as uniform as it is glorious.

While all other created things, in uttering a glorious voice of their heavenly origin, proclaim the existence of a law of being as perfect as it is great, and as sure as it is good, it would be a crime against the author of man's being to entertain a doubt that, in his manner, man, the head of all created intelligences here on earth, is also subject to a law of his being. But what is that great law, and where shall we find it? Shall we look to the heavens and see whether the sun-beams have written it there—or shall we turn to the earth and hear its voice in the roarings of the thunder and the earthquake? Or shall we listen to the still small voice whose whisperings cannot not and whose teachings fail not—or shall we reverently bow down to the record of vegetation and learn the teachings that Omnipotence in his kindness vouchsafed to man from His own created world? But while we listen to all, and learn from all, we must remember that conscience is imperishable power, and that it is asserting

only when it is calibratcd, that man is wiser than the Scriptures, that the law of his being existed before the Decalogue was given, that the Scriptures do not so much proclaim a new law as they are declaratory of that which existed before, even from the morning of creation, when the stars appeared in new-born light and the plastic earth began its never-ending career.

Whatever gave character to the first prayer that went up from the garden of Eden—whatever gave character to the first murder on the earth, is as true now as it was then, and the law of right, against which Cain offended, has its foundation now where it had then, in the deep foundation of man's nature, in that law of truth being against which no mortal can offend and be guiltless. Sin and selfishness have in all ages reared the vapoury, "Am I my brother's keeper?" and the echoes of the first terrible answer have reverberated from age to age, and will roll round the world forever and forever, giving its awful meaning to that law of truth being, and wringing from the offender the reluctant confession that his punishment is greater than he can bear.

A law, intended for the regulation of human conduct, should be plain, obvious in its meaning and direct in its application. It must not depend on that profound research which only few can make, it must not be confined to the Scriptures, which are known to but a limited portion of earth, it must not be limited even to the declarations of conscience, for while the oracle may be misinterpreted, its teachings may be wrong, but must result from considerations which, while they force themselves upon our observation, will make themselves felt and heard and understood.

The law of happiness is universal. All feel its force and make it the business of life to attain it. Those who stop in their career and endeavour to analyse human conduct, soon perceive that happiness is a result, and being so, will be anxious to learn from what it is a result. They perceive instinctively that all possess certain well-defined powers of the body, powers of the mind and powers of the heart: that each power is in their nature capable of cultivation and improvement, and that though they may not become perfect here, they are capable of an improvement as endless as the duration of man's existence, and that the highest endeavour be to improve these powers, and to attain that perfection is sure to confer the most perfect happiness of which man is capable. From these facts the following principles may be deduced:

That man, as an immortal being, constitutes an existence here which shall endure forever. That God has kindly bestowed upon him bodily, intellectual and moral powers. That these powers are susceptible in their nature, and that the improvement commenced on the earth may be continued in a higher and better world, until at length they become nume-

unably perfect. That perfection of man's powers is the end and object of man's existence, and improvement the means of attaining it. That is the highest struggle for the improvement, man finds his only surety for that happiness of which he desires a creature.

From such views and considerations, the obvious result is that the law of man's being is the perfection of his bodily, intellectual and moral powers, and hence the rule of right and wrong becomes apparent, simple and plain. Whatever tends to the improvement of these powers is right, but that which has no such tendency is wrong.

Examined in the light of such a rule, how does the liquor traffic appear? If it has any tendency to improve any of the powers of man, it can easily be pointed out; and with the scale before us open that ~~scale~~ ^{scale} honestly, we have a right to demand that such tendency be pointed out, or that it be abandoned. It has no such tendency, but its influence is to destroy those powers, to paralyze the strong arm, to blight the intellect, and make even a rustic, or an idiot; to tear from the heart its divine nature, and send man forth a brute and a savage!

The legislation on the subject of the liquor traffic is an anomaly in the history of man. It involves a dilemma from which no advocate of the traffic can escape. The use and traffic in liquor as a beverage is either right or wrong! Which is it? If right, then why restrict the use—why give exclusive privileges to deal in it? The use and traffic in corn, meat, milk, &c., is evidently right. Would any legislator dare to control the use and traffic in those things? to give exclusive privileges in the vending of them? Most severely not. The attempt would be considered as an unwarranted assumption of power, and it would be put down. If, then, the use and traffic in liquor be right, it must be put on other and different grounds from that of corn, meat, milk, &c.; but the impossibility of drawing distinctions between the use and traffic in things all equally right, demonstrates that the use and traffic in liquor is not right.

If the traffic and use of liquor is wrong, how can the legislature be justified in authorizing measures to sell it? A legislative license can have no tendency to change the character of the nature.

The whole legislation of the State, from the first act to the last, has been based on the idea that the general law was wrong, and therefore the attempt has always been to restrain the traffic. Believing that an unlimited traffic would be destructive they have attempted, through the intervention of licensees, to restrain it, and the result has shown the folly of attempting the introduction of an evil in the hope of restraint.

Your memorialist insists that the Legislature, as "guardians of the people," have transgressed their power in attempting to legislate a traffic which has no foundation in right, and which has produced an amount of

evil beyond that of any public act that was ever sanctioned—that these evils will continue as long as Legislative sanction can be offered. It is vain to hope that moral suasion can effectually prevent the evils of intemperance while the statutes of liquor can show a legislative sanction. But why should good men be required to make great efforts to check the evils of State Legislation? Is it not a strange infatuation that a State, calling itself moral, should allow a course of legislative enactment that requires resistance at every step, in order to roll back the flood that the law is bringing upon the unwary and the virtuous?

The State Temperance Society begs leave to come before your august body and request that, in behalf of the thousands made wretched by intemperance, you would take the subject into your consideration, that you would examine and determine whether the legislation on the subject of the traffic in liquor is consistent with right, and beneficial to the people; and if not that it may receive the public censure of your Honorable body.

All which is respectfully submitted by

CHARLES ADAMS.

Which memorial was read, and, on motion of Mr. Hekard, referred to a Select Committee of three members.

Mr. Starr, Mr. Bell and Mr. Cook, were appointed said Committee.

The report of Mr. Sturwell from the Committee to whom was referred the resolution as to submitting, in future, amendments proposed by the Council of Canons, to the people, was taken up, and amended as follows:—Strike out after "rejection," and insert "by an Ordinance to be promulgated by the Council of Canons at the time of submitting their propositions of amendment;" and on the question of the adoption of the article as amended, the yeas and nays being demanded, were as follows:—

YEAS—Messrs. Crawford, Cook, Hekard, Foxeney, Starr and Sturwell.—(6.)

NAYS—Messrs. Allen, Bell, Burr, Dewey and Williams.—(5.)

So the article reported, as amended, was adopted, and on motion was referred to the Committee of Revision and Engrossment.

The resolution of Mr. Dewey as to printing journals, &c., was called up, amended and referred to a Committee of one for further amendment.

Mr. Dewey was appointed said Committee.

The Council adjourned.

Mr. Dewey being the Committee to whom was referred the resolution by him submitted as to the printing and distribution of the Journals of this Council, reported the same arranged as follows:—

Resolved That the Secretary procure to be printed 750 copies of the Journal of this Council, and that two hundred and fifty copies thereof be delivered to the Sergeant-at-Arms of the State, to be distributed among the members of the Convention when assembled, and that the remainder of the copies be delivered to the Sheriff of the several Counties, to be by them distributed as follows:—To the State Librarian fifty copies—to the Governor, the Lieutenant Governor, Secretary of State, Clerk of the House of Representatives, Secretary of the Senate, Secretary of Civil and Military Affairs, and to the members of this Council, each five copies,—to the ex-Governors and Lieutenant Governors of the State—to the Judges of the Supreme, County and Probate Courts—to the Clerks of the County Courts—to the Registers of Probate, and to the Town Clerks of each organized town in the State, each one copy.

Such parts of the Constitution as are proposed to be altered or amended, together with the alterations and amendments proposed by this Council, the Address of the Council to the people, and the Ordinance for calling a Convention, to be printed at the close of the Journal, and the Address and Ordinance to be signed by the President and Secretary of the Council.

And the resolution so amended and reported, was accepted and adopted.

Mr. Richard Fox, the Committee on the Powers of the Constitution, submitted the following report on the memorial of Ivory Lane, as to the unconstitutionality of the Act of the Legislature annexing the town of Mansfield to Stowe, and on the petition of L. F. Hodgek and Levi Underwood, as to the unconstitutionality of the act of the Legislature as to licensing Innkeepers and Retainers:—

To the Council of Citizens now assembled:

The Committee on the Powers of the Constitution would respectfully report:—

That they fully recognize the right of petition, memorial and remonstrance, and, in the cases here submitted, the Committee recognize the right of the petitioners to ask of the Council the consideration of the matters therein contained.

The idea of a petition presupposes an ability to grant the prayer, if it is found meritorious: and also a discretion to reject it, if, upon the whole, the exercise of a sound discretion would dictate that course. But the body are not invested with the power of "withdrawing grievances." The most that this Council can do is to advise or "recommend to the Legislature the repealing such laws as shall appear to have been passed

“ contrary to the principles of the Constitution.” But the Legislature is not bound to regard such recommendations.

These Committees are therefore of the opinion that, in most cases, it is better to leave the consideration of Constitutional questions growing out of the enactments of the Legislature, to the decision of the Supreme Court, where there is doubt, and which admit of such a disposition, without being embarrassed by the voices or opinions of any single individual, or body of men,—whose action or opinions when expressed, are not in any manner conclusive or binding, and still whose judgment, as matter of course, might be supposed to be entitled to some respect.

Your Committee, therefore most respectfully suggest that those cases are, both of them, such as can conveniently be referred to the Supreme Court upon such cases as may arise under them, and ask to be discharged from the further consideration of said memorial and petition.

WM. HERARD,

For Committee.

Which report was read and accepted, and on motion, adopted, and the Committee discharged from its further consideration.

Mr. Bart, from the Select Committee to whom was referred the resolution by him offered, as to calling a Convention in proportion to population, made report:—

“ That having had that subject under consideration, and as they cannot come to any agreement upon the same, ask to be relieved from its further consideration.”

Which report was read, accepted, and on motion adopted.

Mr. Starr from the Select Committee to whom was referred the memorial of Charles Adams, President of the Vermont Temperance Society, made the following report:—

That they have had the said Memorial under consideration, and they regret that, at this late hour of the session of the Council, they have not been able to give it that deliberate and careful consideration which its importance demands. The Council are appealed to, in the Memorial, under the clause of the Constitution prescribing their duties, which directs them to inquire whether “ the legislative and executive branches of the government have performed their duties as guardians of the people.”

In matters of doubtful legislation, the Council did not dissent their duty, under the above provision, to express an opinion upon acts of the Legislature. The subject of granting licenses for the sale of intoxicating liquors as a beverage, or of prohibiting the sale entirely for that use, is a very difficult and delicate subject of Legislation. It is a balancing of

evils. What would be proper and prudent legislation in one state of society, might be injudicious and mischievous in another, depending upon the habits and moral sentiments of the people.

It is revolting that practices, acknowledged to be demoralizing and vicious in community, should be continued under the license or sanction of law, as that government should derive a revenue from the license of vice; but if an absolute prohibitory act of such practices, (from the temptations to the breach of it, or the delicacy or impossibility of executing it,) would produce greater evils, the Legislature may be justified in granting restricted licenses for such practices, and making them the source of revenue. The moral sentiment of the people must correct these evils; and as our laws are but the expression of the will of the people, when the declaration of that will is sufficiently strong and decided, the Council cannot doubt the laws will be conformable to it;—and the Council request to be discharged from the further consideration of the subject.

PETER STARR,

For Council.

Which report was read, accepted, and an action adopted, and the Committee discharged.

Mr. Starr offered the following article of amendment to the Constitution:—

"There shall not be elected, nor appointed, more than *five* Justices of the Peace in any town having less than one thousand inhabitants,—nor more than *seven* Justices of the Peace in any town having one thousand, and less than two thousand inhabitants; nor more than *ten* Justices of the Peace in any town having two thousand, and less than three thousand inhabitants; nor more than *twelve* Justices of the Peace in any town having three thousand, and less than five thousand inhabitants; nor more than *thirteen* Justices of the Peace in any town having five thousand, or more, inhabitants."

Which article, after being considered, was adopted and referred to the Committee of Revision and Engraving.

Mr. Hubbard from the Committee of Revision and Engraving, reported the following fifteen articles of amendment adopted by the Council, revised and engrossed, which were read, accepted, and, article by article, adopted as proposed amendments of the Constitution of this State, to be submitted to a Convention to be called, under an Ordinance of this Council, for that purpose:—

ARTICLE 1.—The House of Representatives of the Freemen of the State shall consist of persons most noted for wisdom and virtue, to be chosen by ballot, by the Freemen of the State, on the first Tuesday of September, annually forever; and the Representatives shall be apportioned to, and elected by, the several towns respectively as follows:—

To each town having less than twenty-five hundred inhabitants, one Representative; to each town having twenty-five hundred inhabitants, two Representatives, and for every fifteen hundred inhabitants above twenty-five hundred in any one town, there shall be one additional Representative.

The number of inhabitants referred to in this article, to be always ascertained from the latest census which may have been taken by this State, or by the United States.

ARTICLE 2.—No balloting for town Representatives shall be commenced after twelve o'clock of the night of the first Tuesday in September.

ARTICLE 3.—The Assistant Judges of the County Court shall be elected by the Freemen of their respective Counties.

ARTICLE 4.—Sheriffs and High Sheriffs shall be elected by the Freemen of their respective Counties.

ARTICLE 5.—State's Attorneys shall be elected by the Freemen of their respective Counties.

ARTICLE 6.—Judges of Probate shall be elected by the Freemen of their respective Probate Districts.

ARTICLE 7.—Justices of the Peace shall be elected by the Freemen of their respective towns; and towns having less than one thousand inhabitants may elect any number of Justices of the Peace not exceeding four; towns having one thousand, and less than two thousand inhabitants, may elect seven; towns having two thousand and less than three thousand inhabitants, may elect ten; towns having three thousand and less than five thousand inhabitants, may elect twelve; and towns having five thousand, or more, inhabitants, may elect fifteen Justices of the Peace.

ARTICLE 8.—Registars of Probate shall be elected by the Freemen of their respective Probate Districts.

ARTICLE 9.—All the officers named in the preceding articles of amendment shall be annually elected by ballot and shall hold their offices for one year, and year commencing on the first day of December and after their election.

ARTICLE 10.—The election of the several officers contained in the preceding articles, excepting town Representatives, shall be made at

the time and in the manner now directed in the Constitution for the election of Senators. And the presiding officer of each People's meeting, after the votes shall have been taken, sorted and counted, shall, at open meeting, make a certificate of the names of each person voted for, with the number of votes given for each, annexed to his name and designating the office for which the votes were given, a record of which shall be made in the Town Clerk's office, and he shall seal up said certificate, and shall write thereon the name of the town and the words, *Certificate of votes for*————— and add thereto, in writing, the title of the office voted for, as the case may be, and shall deliver such certificate to some Representative chosen as a member of the General Assembly, whose duty it shall be to cause such certificate of vote to be delivered to the Committee of the General Assembly appointed to canvass the votes. And at the sitting of the General Assembly, next after such balloting for the offices aforesaid, there shall be a Committee appointed of and by the General Assembly, who shall be sworn to the faithful discharge of their duty and whose duty it shall be to examine such certificates and ascertain the number of votes given for each candidate, and the persons receiving the largest number of votes for the respective offices, shall be declared duly elected, and by such Committee be reported to the General Assembly, and the officers so elected shall be commissioned by the Governor. And if two or more persons designated for any one of said offices, shall have received an equal number of votes, the General Assembly shall elect one of such persons to such office.

ARTICLE 11.—The term of office of the Governor, Lieutenant Governor, and Treasurer of the State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of one year, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature, at which, by the Constitution and laws, their successors are required to be chosen, and not after such adjournment. And the Legislature shall provide, by general law, declaring what officer shall act as Governor whenever there shall be a vacancy in both the offices of Governor and Lieutenant Governor, occasioned by a failure to elect, or by the removal from office, or by the death, resignation, or inability of both Governor and Lieutenant Governor, to exercise the powers and discharge the duties of the office of Governor; and such officer, so designated, shall exercise the powers and discharge the duties appertaining to the office of Governor accordingly until the disability shall be removed, or a Governor shall be elected. And in case there shall be a vacancy in the office of Treasurer, by reason of any of the causes enumerated, the Governor shall appoint a Treasurer for the time being, who shall act as Treasurer until the disability shall be removed, or a new election shall be made.

ARTICLE 12.—The Treasurer of the State shall, before entering upon the duties of his office, give sufficient security to the Secretary of State, in behalf of the State of Vermont, before the Governor of the State, or one of the Judges of the Supreme Court. And Sheriffs and High Bailiffs, before entering upon the duties of their respective offices, shall give sufficient security to the Treasurer of their respective Counties, before one of the Judges of the Supreme Court, or the two Assistant Judges of the County Court of their respective Counties, in such manner and in such sums as shall be directed by the Legislature.

ARTICLE 13.—All propositions for the alteration or amendment of the Constitution of this State, made by any future Council of Censors, shall be submitted directly to the Freemen of the State for their consideration and adoption, or rejection, by an Ordinance to be promulgated by the Council of Censors at the time of submitting their propositions of amendment.

ARTICLE 14.—The Senate shall be composed of thirty Senators, to be of the Freemen of the County for which they are elected respectively, who shall have attained the age of thirty years, and they shall be elected annually by the Freemen of each County respectively.

The Senators shall be apportioned to the several Counties, according to the population, as ascertained by the census taken under the authority of Congress in the year 1840, regard being always had, in such apportionment, to the Counties having the largest fraction, and giving to each County at least one Senator.

The Legislature shall make a new apportionment of the Senators to the several Counties, after the taking of each census of the United States, or after a census taken for the purpose of such apportionment, under the authority of this State, always regarding the above provisions of this article.

ARTICLE 15.—There shall not be elected, nor appointed, more than five Justices of the Peace in any town having less than one thousand inhabitants; nor more than seven Justices of the Peace in any town having one thousand, and less than two thousand inhabitants; nor more than ten Justices of the Peace in any town having two thousand, and less than three thousand inhabitants; nor more than twelve Justices of the Peace in any town having three thousand, and less than five thousand inhabitants; nor more than fifteen Justices of the Peace in any town having five thousand, or more, inhabitants."

Mr. Richard from the same Committee, made the following report—

"That they have examined the Constitution of this State, and find that

the following Sections and Articles of the same will be altered, amended or superseded by the adoption of the proposed Articles of the Council, to wit:—

Section 8, by Article 9 of the proposed amendments.

" 9 and 10, by Articles 2 to 11 inclusive of the proposed amendments.

" 37, by Article 19 of the proposed amendments.

" 43, by Article 13 of the proposed amendments.

Article 4 of the amended Constitution, will be amended by the 14th Article of the proposed amended Articles."

Which was read and adopted.

Mr. Dorrice, a member of the Council, appeared and took his seat.

Mr. Hubbard called up the resolution for calling a Convention, and on the question of its adoption, the yeas and nays being demanded were as follows:—

Yeas—Messrs. Bart, Crawford, Cool, Dutton, Dwyer, Hubbard, Penning, Stonehill and Williams.—(8.)

Nays—Messrs. Allen, Bell and Ball.—(3.)

So the resolution was adopted by a vote of two-thirds of the Council.

Mr. Hubbard from the Committee to draft an Ordinance for a Convention in consideration and act upon the amendments to the Constitution proposed by the Council, reported the following:—

ORDINANCE.

STATE OF VERMONT, }
In Council or Chancery, Feb. 1853. }

The Council having agreed to propose certain amendments to the Constitution of this State, and having determined to call a Convention to consider such amendments:—

Therefore, it is ordered by said Council, that a Convention of the people of the State of Vermont shall meet at the State House in Montpelier, on the first Wednesday in January A. D. 1853, to consider of the amendments to the Constitution proposed by this Council, and to adopt the same, or such parts thereof as the said Convention shall judge will be most conducive to the good government, peace and happiness of the people of the State. And for the purpose of electing delegates to attend each Convention, the first Constable, or in his absence, the town Clerk, or in his absence, one of the Selectmen of each town in this State, entitled to send a representative to the General Assembly, without further order, shall set up a notification at each place or places as shall have been appointed for

notifying towns meetings in each town, at least ten days before the third Tuesday in November, A. D. 1843, warning the Free-men of their respective towns to meet on the said third Tuesday in November, 1843, at one o'clock in the afternoon, at the place where the last Free-men's meeting was held in each town, for the purpose of electing delegates to represent the Free-men of said towns in said Convention, at the opening of which meeting this order shall be publicly read.

And the first Constable, or, in his absence or disability, the town Clerk, or some one of the Selectmen of each town, or a Justice of the Peace, shall preside at each meeting, whose duty it shall be to call on the Free-men of each town, from time to time, for the space of four hours, to give in their votes for each delegate, which votes shall be given and received in the same manner and under the same regulations as in, by law, provided in the case of electing Representatives to the General Assembly (and at the expiration of which time, the votes so taken, shall, by said presiding officer, with the assent of the Selectmen and Justices of the Peace in each town, be counted and counted, and if no person shall have a majority of all of the votes, the said presiding officer shall notify the same, and again call upon the Free-men as aforesaid, giving a reasonable time for re-counting such votes, until an election shall have been made. And after an election shall have been made, as aforesaid, the presiding officer of said meeting shall deliver to the person elected, a certificate of the following tenor, to wit:—

STATE OF VERMONT, } At a Free-men's meeting warned and
 } holden at ——— in pursuance of a n order
of the Council of Censors, on the ——— was elected a delegate,
by a majority of the Free-men present, to represent the citizens of ———
in Convention to be held on the ——— for the purpose of taking into con-
sideration certain amendments to the Constitution of this State, proposed
by said Council of Censors, in February last.

Given under my hand at ——— the ——— day of ——— A. D. 18—
C. D. ———, first Constable or Presiding officer.

Which Ordinance was, on motion, unanimously adopted by the Coun-
cil.

On motion of Mr. Crawford, voted that when the Council adjourn they
adjourn to meet to-morrow morning at half-past 2 o'clock.

On motion of Mr. Penney, voted that when the Council adjourn to-
morrow evening, they adjourn without day.

Mr. Stowell, from the Committee on Debenture, made report "that the
Committee had performed the duties assigned them," which was accept-
ed.

On motion, voted that the Secretary disburse the Debenture.

On motion, voted that the Committee on the Address prepare the same and furnish the Secretary a copy for publication, as soon as their convenience will permit.

Mr. Crawford submitted the following resolution:—

Resolved, That the thanks of this Council be tendered to the President, for the able and impartial manner in which he has discharged his duties in presiding over their deliberations.

Which resolution was adopted by an unanimous vote—whereupon the President briefly and feelingly replied, and

The Council adjourned.

—

Worcester, 25th February, 1846.

The Council next proceeded to adjournment.

The reading of the Journal was dispensed with, and on motion

The Council adjourned without day.

JOHN B. POMEROY,
Secretary.

—

Articles of Amendment proposed by the Council.

ARTICLE 1.—The House of Representatives of the Freemen of this State shall consist of persons most noted for wisdom and virtue, to be chosen by ballot, by the Freemen of the State, on the first Tuesday of September, annually forever; and the Representatives shall be appointed to, and elected by, the several towns respectively as follows:—

To each town having less than twenty-five hundred inhabitants, one Representative, to each town having twenty-five hundred inhabitants, two Representatives, and for every fifteen hundred inhabitants above twenty-five hundred in any one town, there shall be one additional Representative.

The number of inhabitants referred to in this article, to be always ascertained from the latest census which may have been taken by this State, or by the United States.

ARTICLE 2.—No balloting for town Representatives shall be commenced after twelve o'clock of the night of the first Tuesday in September.

ARTICLE 3.—The Assistant Judges of the County Court shall be elected by the Freemen of their respective Counties.

ARTICLE 4.—Sheriffs and High Bailiffs shall be elected by the Freemen of their respective Counties.

ARTICLE 5.—State's Attorneys shall be elected by the Freemen of their respective Counties.

ARTICLE 6.—Judges of Probate shall be elected by the Freemen of their respective Probate Districts.

ARTICLE 7.—Justices of the Peace shall be elected by the Freemen of their respective towns; and towns having less than one thousand inhabitants may elect any number of Justices of the Peace not exceeding five; towns having one thousand, and less than two thousand inhabitants, may elect seven; towns having two thousand and less than three thousand inhabitants, may elect ten; towns having three thousand and less than five thousand inhabitants, may elect twelve; and towns having five thousand, or more, inhabitants, may elect fifteen Justices of the Peace.

ARTICLE 8.—Registers of Probate shall be elected by the Freemen of their respective Probate Districts.

ARTICLE 9.—All the officers named in the preceding articles of amendment shall be annually elected by ballot and shall hold their offices for one year, said year commencing on the first day of December next after their election.

ARTICLE 10.—The election of the several officers mentioned in the preceding articles, excepting town Representatives, shall be made at the times and in the manner now directed in the Constitution for the choice of Senators. And the presiding officer of each Freemen's meeting, after the votes shall have been taken, sorted and counted, shall, in open meeting, make a certificate of the names of each person voted for, with the number of votes given for each, annexed to his name and designating the office for which the votes were given, a record of which shall be made in the Town Clerk's office, and he shall seal up said certificate, and shall write thereon the name of the town and the words, *Certificate of votes for* ———— and add thereto, in writing, the title of the office voted for, as the case may be, and shall deliver such certificate to some Representative chosen as a member of the General Assembly, whose duty it shall be to cause such certificate of votes to be delivered to the Committee of the General Assembly appointed to canvass the same. And at the sitting of the General Assembly, next after such balloting for the officers aforesaid, there shall be a Committee appointed of and by the General Assembly, who shall be sworn to the faithful discharge of their duty and

whose duty it shall be to examine such certificates and ascertain the number of votes given for each candidate, and the persons receiving the largest number of votes for the respective offices, shall be declared duly elected, and by such Committee be reported to the General Assembly and the officers so elected shall be commissioned by the Governor. And if two or more persons designated for any one of said offices, shall have received an equal number of votes, the General Assembly shall elect one of such persons to such office.

ARTICLE 11.—The term of office of the Governor, Lieutenant Governor, and Treasurer of the State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of one year, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature, at which, by the Constitution and laws, their successors are required to be chosen, and not after such adjournment. And the Legislature shall provide, by general law, declaring what officer shall act as Governor whenever there shall be a vacancy in both the offices of Governor and Lieutenant Governor, occasioned by a failure to elect, or by the removal from office, or by the death, resignation, or inability of both Governor and Lieutenant Governor, to exercise the powers and discharge the duties of the office of Governor; and such officer, so designated, shall exercise the powers and discharge the duties appertaining to the office of Governor accordingly until the disability shall be removed, or a Governor shall be elected. And in case there shall be a vacancy in the office of Treasurer, by reason of any of the causes enumerated, the Governor shall appoint a Treasurer for the time being, who shall act as Treasurer until the disability shall be removed, or a new election shall be made.

ARTICLE 12.—The Treasurer of the State shall, before entering upon the duties of his office, give sufficient security to the Secretary of State, in behalf of the State of Vermont, before the Governor of the State, or one of the Judges of the Supreme Court. And Sheriffs and High Bailiffs, before entering upon the duties of their respective offices, shall give sufficient security to the Treasurer of their respective Counties, before one of the Judges of the Supreme Court, or the two Assistant Judges of the County Court of their respective Counties, in such manner and in such sums as shall be directed by the Legislature.

ARTICLE 13.—All propositions for the alteration and amendment of the Constitution of this State, made by any future Council of Censors, shall be submitted directly to the Freemen of the State for their consideration and adoption, or rejection, by an Ordinance to be promulgated by the Council of Censors at the time of submitting their propositions of amendment.

ARTICLE 14.—The Senate shall be composed of thirty Senators, to be of the Freemen of the County for which they are elected, respectively, who shall have attained the age of thirty years, and they shall be elected annually by the Freemen of each County respectively.

The Senators shall be apportioned to the several Counties, according to the population, as ascertained by the census taken under the authority of Congress in the year 1840, regard being always had, in such apportionment, to the Counties having the largest fraction, and giving to each County at least one Senator.

The Legislature shall make a new apportionment of the Senators to the several Counties, after the taking of each census of the United States, or after a census taken for the purpose of such apportionment, under the authority of this State, always regarding the above provisions of this article.

ARTICLE 15.—There shall not be elected, nor appointed, more than *five* Justices of the Peace in any town having less than one thousand inhabitants;—nor more than *seven* Justices of the Peace in any town having one thousand, and less than two thousand inhabitants; nor more than *ten* Justices of the Peace in any town having two thousand, and less than three thousand inhabitants; nor more than *twelve* Justices of the Peace in any town having three thousand, and less than five thousand inhabitants; nor more than *fifteen* Justices of the Peace in any town having five thousand, or more, inhabitants.”

Sections or Articles of the Constitution

AFFECTED BY THE FOREGOING PROPOSED ARTICLES OF AMENDMENT.

SECTION 8.—The House of Representatives of the Freemen of this State shall consist of persons most noted for wisdom and virtue, to be chosen by ballot by the Freemen of every town in this State, respectively, on the first Tuesday of September, annually, forever.

SEC. 9.—The representatives so chosen, (a majority of whom shall constitute a quorum for transacting any other business than raising a State tax, for which two thirds of the members elected shall be present,) shall meet on the second Thursday of the succeeding October, and shall be styled, *The General Assembly of the State of Vermont*; they shall have power to choose their Speaker, Secretary of State, their Clerk, and other

necessary officers of the House; sit on their own adjournments; prepare bills and enact them into laws; judge of the elections and qualifications of their own members: they may expel members, but not for causes known to their constituents antecedent to their election; they may administer oaths and affirmations in matters depending before them; redress grievances; impeach State criminals; grant charters of incorporation; constitute towns, boroughs, cities, and counties: they may, annually, on their first session after their election, in conjunction with the Council, (or oftener if need be) elect Judges of the Supreme and several County and Probate Courts, Sheriffs and Justices of the Peace; and also, with the Council, may elect Major-Generals and Brigadier-Generals, from time to time, as often as there shall be occasion; and they shall have all other powers necessary for the Legislature of a free and sovereign State. But they shall have no power to add to, alter, abolish, or infringe any part of this Constitution.

SEC. 10.—The Supreme Executive Council of this State shall consist of a Governor, Lieutenant Governor, and twelve persons, chosen in the following manner, to wit:—the Freemen of each town shall, on the day of election for choosing representatives to attend the General Assembly, bring in their votes for Governor, with his name fairly written, to the Constable, who shall seal them up, and write on them, "*Votes for Governor,*" and deliver them to the representative chosen to attend the General Assembly. And at the opening of the General Assembly there shall be a Committee appointed, out of the Council and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the Governor, and declare the person who has the major part of the votes, to be Governor for the year ensuing. And if there be no choice made, then the Council and General Assembly, by their joint-ballots, shall make choice of a Governor. The Lieutenant Governor and Treasurer shall be chosen in the manner above directed. And each Freeman shall give in twelve votes for twelve Councillors, in the same manner, and the twelve highest in nomination shall serve, for the ensuing year, as Councillors.

SEC. 27.—The Treasurer of the State shall, before the Governor and Council, give sufficient security to the Secretary of the State, in behalf of the General Assembly, and each High Sheriff, before the first Judge of the County Court, to the Treasurer of their respective Counties, previous to their respectively entering upon the execution of their offices, in such manner and in such sums, as shall be directed by the Legislature.

SEC. 43.—In order that the freedom of this Commonwealth may be

preserved inviolate forever, there shall be chosen by ballot, by the Freemen of this State, on the last Wednesday in March, in the year one thousand seven hundred and ninety-nine, and on the last Wednesday in March in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the Council is chosen, except they shall not be out of the Council or General Assembly, to be called *the Council of Censors*, who shall meet together on the first Wednesday of June next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a Convention, in which two-thirds of the whole number elected shall agree; and whose duty it shall be to enquire whether the Constitution has been preserved inviolate in every part during the last septenary, (including the year of their service,) and whether the Legislative and Executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised, other or greater powers than they are entitled to by the Constitution. They are also to enquire whether the public taxes have been justly laid and collected in all parts of this Commonwealth; in what manner the public moneys have been disposed of, and whether the public laws have been duly executed. For these purposes they shall have power to send for persons, papers and records;—they shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as shall appear to have been passed contrary to the principles of the Constitution: these powers they shall continue to have for and during the space of one year from the day of their election, and no longer. The said Council of Censors shall also have power to call a Convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this Constitution which may be defective, explaining such as may be thought not clearly expressed, and of adding such as are necessary, for the preservation of the rights and happiness of the people. But the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such Convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

ARTICLE 4 (of amended Constitution.)—The Senate shall be composed of thirty Senators, to be of the Freemen of the County for which they are elected, respectively, who are thirty years of age or upwards, and to be annually elected by the Freemen of each County respectively. Each County shall be entitled to one Senator, at least, and the remainder of the Senators shall be apportioned to the several Counties according to their population, as the same was ascertained by the last census, taken under

the authority of the United States—regard being always had, in such apportionment, to the Counties having the greatest fraction. But the several Counties shall, until after the next census of the United States, be entitled to elect, and have their Senators, in the following proportion, to wit:—

Bennington County, two; Windham County, three; Rutland County, three; Windsor County, four; Addison County, three; Orange County, three; Washington County, two; Chittenden County, two; Caledonia County, two; Franklin County, three; Orleans County, one; Essex County, one; Grand Isle County, one.

The Legislature shall make a new apportionment of the Senators to the several Counties, after the taking of each census of the United States, or census taken for the purpose of such apportionment, by order of the government of this State, always regarding the above provisions in this article.

Ordinance of the Council.

STATE OF VERMONT, }
IN COUNCIL OF CENSORS, Feb. 1849. }

The Council having agreed to propose certain amendments to the Constitution of this State, and having determined to call a Convention to consider such amendments,—

Therefore, It is ordered by said Council, that a Convention of the people of the State of Vermont shall meet at the State House in Montpelier, on the first Wednesday in January A. D. 1850, to consider of the amendments to the Constitution proposed by this Council, and to adopt the same, or such parts thereof as the said Convention shall judge will be most conducive to the good government, peace and happiness of the people of this State. And for the purpose of electing Delegates to attend such Convention, the first Constable, or in his absence, the town Clerk, or in his absence, one of the Selectmen of each town in this State, entitled to send a representative to the General Assembly, without further order, shall set up a notification, at such place or places as shall have been appointed for notifying town meetings in such town, at least ten days before the third Tuesday in November, A. D. 1849, warning the Freemen of their respective towns to meet on the said third Tuesday in November, 1849, at one o'clock in the afternoon, at the place where the last Freemen's meeting was held in such town, for the purpose of electing Delegates to rep-

resent the Freemen of said town in said Convention, at the opening of which meeting this order shall be publicly read.

And the first Constable, or, in his absence or disability, the town Clerk, or some one of the Selectmen of each town, or a Justice of the Peace, shall preside at such meeting, whose duty it shall be to call on the Freemen of such town, from time to time, for the space of four hours, to give in their votes for such delegate, which votes shall be given and received in the same manner and under the same regulations as is, by law, provided in the case of electing Representatives to the General Assembly; and at the expiration of which time, the votes so taken, shall, by said Presiding officer, with the assistance of the Selectmen and Justices of the Peace in such town, be sorted and counted, and if no person shall have a majority of all the votes, the said presiding officer shall notify the same, and again call upon the Freemen as aforesaid, giving a reasonable time for receiving such votes, until an election shall have been made. And after an election shall have been made, as aforesaid, the Presiding officer of said meeting shall deliver to the person elected, a certificate of the following tenor, to wit:—

STATE OF VERMONT, } At a Freemen's meeting warned and
 } holden at _____ in pursuance of an order
 of the Council of Censors, on the _____ was elected a delegate,
 by a majority of the Freemen present, to represent the citizens of _____
 in Convention to be held on the _____ for the purpose of taking into con-
 sideration certain amendments to the Constitution of this State, proposed
 by said Council of Censors, in February last.

Given under my hand at _____ this _____ day of _____ A. D. 18—.

C. D. _____, first Constable or Presiding officer.

CHARLES K. WILLIAMS, *President*.

JOHN N. POMEROY, *Secretary*.

Address of the Council.

TO THE PEOPLE OF THE STATE OF VERMONT :

The Council of Censors, elected on the last Wednesday of March, A. D. 1848, being about to close their labors, deem it their duty, in conformity to former precedents, to submit this address to you, stating briefly the result of their deliberations, and referring to their journals for a further and more full account of their proceedings.

The duties entrusted to this Council are enumerated in the 43d Section of the Constitution, and are so well-defined and accurately pointed out, that we could not well mistake our powers or the requirements of the Constitution.

On the inquiry "whether the Legislative and Executive branches of Government have performed their duty, as guardians of the people, or assumed to themselves, or exercised, other or greater powers than they are entitled to by the Constitution," the Council are happy to express their opinion, that both appear to have been actuated by an earnest desire to keep within the bounds assigned to them by that instrument, which they were sworn to support, and have manifested no disposition to adopt any unconstitutional or arbitrary measures, inconsistent with the obligation imposed on them by our republican institutions and organic laws. In the single instance in which we were induced to recommend to the Legislature the repeal of a law repugnant to the Constitution, it appeared manifest that it was passed from inadvertence, and the Legislature had themselves discovered the error into which they had inadvertently fallen, and had anticipated our views by commencing a proceeding for the repeal, before they received a communication from us.

Our attention has been particularly called to an act of the Legislature laying a tax on lands in Bradleyvale, and the similar acts which have been, from time to time enacted, laying taxes on lands for making and repairing roads and building bridges; also to an act to annex Mansfield to Stowe, passed Nov. 11, 1848, and also to an act relating to licensing Innkeepers and Retailers, passed Nov. 3, 1846. The Council were not insensible that the constitutionality of these acts had been questioned, yet they considered they were rather proper subjects for judicial investigation than the animadversion of the Council.

It is true that one of the duties of this Council is "to recommend to the Legislature the repeal of such laws as shall appear to have been passed contrary to the principles of the Constitution," but it also appertains to the Judiciary to construe all statutes and laws, and this necessarily requires of them to determine whether any act of the Legislature claimed to be a law, contravenes the Constitution, and is for that reason invalid, and in violation of the rights of individuals. Whenever the question is doubtful and of difficult solution, whether a private or public act of the Legislature, affecting individual rights, is contrary to the Constitution, the Council think it is better for the individual to seek redress from the judicial tribunals, whose decision on the Constitutionality of such act is final, and can afford an adequate relief, than for this Council to express an opinion which may or may not procure its repeal. A memorial was presented to us on the subject of the laws legalizing the traffic in intoxicating liquors, but it came in at so late a period of our sitting that the Council

could take no further order than to adopt the report of the Committee to whom it was referred, asking to be discharged from the further consideration of the subject, which report will appear in our journals.

In performing this part of our duty in relation to the duties of the Legislature, the Council cannot refrain from noticing the great increase of the expenses of this State, altogether beyond our increase in population, particularly in the judiciary department, and in the contingent expenses of the other branches of the government. We deem it worthy of a strict and searching inquiry, why these expenses have increased to so great an amount, and what measures can be adopted to remedy the evil. The Council would refer the Legislature and the people to the 25th Section of the Constitution, which, while it assumes that any man called into public service to the prejudice of his private affairs, is entitled to a reasonable compensation, yet requires that "whenever an office, through increase of fees, or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the Legislature." Whether by some action of the Legislature in conformity to the spirit and in pursuance of the direction of this article, some measures may not be adopted to diminish these expenses and prevent the further increase of what appears to be an increasing and alarming evil, is respectfully submitted to the Legislature and the people.

The Council have had their attention called to a practice which has prevailed in the Legislature, for some years past, in the repeal, alteration or modification of acts, or parts of acts, by a mere reference to the number of the Chapter and Section, without any mention of the subject or nature of the provision repealed, altered or modified. The Council deem it of the highest importance that our statute laws should be plain and easily understood, that the subject matter of the acts should be indicated in their title, and especially that in the body of acts should be clearly expressed the subject or nature of the provision to which they relate; that the practice referred to above has already introduced confusion into our laws, and, if continued in future legislation, will not only embarrass our judges and professional men in understanding and expounding the laws, but will debar the mass of the community from gaining a knowledge of laws in which they have a deep interest, and will speedily compel the legislature to resort to an expensive revision and re-publication of our system of statute laws.

Another subject of inquiry, submitted by the Constitution to the Council is "whether the public taxes have been justly laid and collected in all parts of this commonwealth." The Council find no cause of complaint on this subject except in the following instances:—

1st. On learning the diversity of practice which has prevailed under

the laws relative to the grand list, and the different opinions of professional men on the subject, the Council were of opinion "that there is an uncertainty as to the basis upon which the several town, County and State taxes are to be laid, and also an uncertainty as to the time of the meeting of the County Convention of listers." They did not think it advisable to communicate this to the Legislature, as the Council were not agreed whether the remedy, if any was wanted, should be had by judicial construction or further legislative action.

2d. The taxing of wild and unproductive land, as now provided for by the laws on this subject, the Council considered as imposing an unequal and unjust burden on the owners, particularly non-residents. The inequality and injustice of these taxes on wild and unproductive lands, has been clearly pointed out and condemned by one of the most eminent jurists of the present age, (Chancellor Kent.) With respect to those taxes which may be voted by towns, school districts, &c., the non-resident is taxed not only without his consent, but when he cannot by his voice or vote, or by his representative, be heard, either as to the propriety of laying the tax, the amount of the same, or as to the manner of the expenditure, the objects of which are almost exclusively for the benefit and purposes of the inhabitants and residents of the towns or districts. It has been considered as a fundamental principle of republican governments, that no one should be taxed without his own consent, i. e. the consent of a majority, given either by themselves or their representatives chosen by them. How far this principle is violated, by subjecting the non-resident owners of lands to taxes for town or district purposes, where they can have no vote, is certainly worthy of great and impartial consideration. But if it should be conceded that no principle of fundamental law is violated by taxing wild and unproductive lands, the Council are satisfied that, in practice, it has operated unequally, and produced great injustice, and cannot but hope the Legislature will provide some remedy for existing evils, some appeal from unjust appraisal, to a disinterested board of revision, some limit to the amount of taxes which towns may levy on a non-resident proprietor, or some provision by which the taxes he may have to pay may be expended more equally for the use of the town or district of which he is an inhabitant, as well as of the town where the land is situated.

The Council have had deliberately under their consideration that part of the article of the Constitution under which they were appointed, which requires them to examine whether there is "an absolute necessity of amending any article of the Constitution which may be defective, explaining such as may be thought not clearly expressed, and of adding such as are necessary for the preservation of the rights and happiness of the people." We believe there should be a very urgent and mani-

fest necessity requiring it, before any alteration of the fundamental and organic laws should be made. Both in the Constitution of this State and of the United States, it is apparent that it was not intended they should be subject to the fluctuations of ordinary legislation. The manner of making amendments has been guarded by so many provisions, and made subject to so many conditions and forms, that they cannot frequently be made or hastily and inconsiderately adopted. There should at least be an urgent necessity, and a manifest and general expression of the wishes of the people for amendments, before they should be either proposed or adopted.

On this subject the Council have been by no means unanimous, either as to the propriety or necessity of proposing any alterations whatever, or if any, what amendments should be offered for the consideration of the people.

It appears to us expedient to explain some articles which are not clearly expressed or understood, and that they should not be liable to the evils or inconvenience arising from different expositions of either the legislative or judicial tribunals. This alone would not have required of us to subject the State to the expense of calling a Convention. There were other propositions, evidently of more importance, which were considered by a majority of the Council as "necessary for the preservation of the rights and happiness of the people."

The mode of representation in the General Assembly, and propositions for rendering it more equal have occupied the attention of former Councils. Articles of amendment to effect this purpose, were proposed by the first two Councils, which were chosen in 1785 and 1792, and also by the Council chosen in 1821, but were not adopted in Convention. It was strenuously urged before us, that our present system of representation is unjust, unequal, and not founded on a popular basis, and that towns having a large population were not equally represented. Several projects were discussed before us, and a majority of the Council at last agreed to submit to the consideration of a Convention, an amendment of the Constitution, giving to towns having a large population, an addition of one or more representatives, according to their population, and preserving to the inhabitants of each town a representative as by the present Constitution. An amendment to effect this object is the first now proposed, and is Article 1st.

Connected with this, is a proposition to limit the time for balloting for Representative to the General Assembly, to 12 o'clock on the night of the first Tuesday of September, the object of which is to define more accurately the time within which representatives shall be elected, to prevent the inconvenience of a protracted election extending to a late hour in the night, and sometimes even to a subsequent day, and to put an end to the

questions which have arisen on this subject, and have led to decisions at variance with each other. This amendment is the second now proposed.

The Council have thought proper to submit an alteration of the Constitution in relation to the appointment of County and Probate officers, as one of the most important of the amendments which they have had under their consideration, and they think no apology is necessary for again presenting this subject to the consideration of the people, notwithstanding a similar proposition was offered by the last Council of Censors and rejected by the Convention. Both branches of the Legislature, at their session in 1847, passed a resolution with great unanimity, expressing their opinion that an alteration should be made in the manner of appointing County officers, and that the power which had been exercised by them, could be better exercised by the Freemen. This affords very strong evidence that the subject has been considered by the people, that there has been a change in the public sentiment since the last Convention, and that another opportunity should be afforded, of having it again considered by them. In offering this amendment, we accede to the request of the Legislature, with a full belief that the Freemen are safe depositories of this power of election, and will be likely to know and select suitable men for these offices. By one of the amendments, it is proposed to give the election of Registers of Probate to the people. This office is one of considerable importance; the Register often acts as Judge, may be called on to adjudicate the claims of the Judge who gives him the appointment, and, under certain circumstances, may be the Judge for a considerable part of the year. We also propose an amendment giving the appointment of Justices of the Peace to the Freemen of their respective towns, and limiting their number, and, although they are officers of the County, yet the services of most Justices are confined to their several towns, and may well be selected by the Freemen of the town where they reside. The Constitution now requires that they shall be elected by the Legislature, yet by courtesy and usage the appointment and selection has usually been accorded to the representative of the town in which they reside. We have also proposed in a separate article, to limit the number according to the population of the town, so that if the Convention should not think proper to alter the mode in which they have heretofore been appointed, they may have under their consideration the propriety of limiting the number. The office of Justice of the Peace, in our State, from their extensive jurisdiction in civil matters, as well as criminal, and in regulating the police of their respective towns, is a highly responsible and important one, but by their great multiplication in some towns, the responsibility of their office is greatly diminished, the difficulty of obtaining a legal board of the Civil Authority is increased, and in some instances it cannot be as-

certained whether a competent board to act upon matters submitted to their decision is convened. From the great division of responsibility by the increase of numbers, the duties of these officers are neglected, or negligently discharged. In many cases, no record of their proceedings is kept, whereby the rights of the citizens are put in jeopardy, and the business of these officers is so divided as not to afford a reasonable compensation for the prompt and faithful discharge of their duties. The Council believe that, by limiting the number of Justices in the towns, as proposed, with reference to their population, their responsibility will be increased, and a better performance of their duties secured.— Amendments to secure the foregoing objects constitute the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 15th Articles of amendment proposed by the Council.

Another amendment is proposed in relation to the time when the offices of Governor, Lieutenant Governor and Treasurer, shall expire. A difference of opinion has prevailed as to what time the persons holding these offices shall continue to exercise them. While it has been generally considered that the Governor and Lieutenant Governor cease to hold their offices on the day when the Legislature meet, who are to canvass the votes given for their successors, the Treasurer has been considered as holding his office until a successor is appointed, although the same expression is used in the Constitution as to each of them. The difficulties which have and may arise from an uncertainty in this particular, and the very obvious danger of considering either of these offices vacant, and especially the office of Treasurer, with no one responsible for the safe-keeping of the public funds, induced the Council to propose an amendment providing for such a contingency, and that the Legislature should declare by a general law, what officers should perform the duties of the Executive department, if both the office of Governor and of Lieutenant Governor should be vacant. This is the subject of the 11th proposed article of amendment.

The Council thought it expedient to propose a substitute for the article in the present Constitution, declaring before whom the Treasurer and the Sheriffs shall give the required security. By the 27th article of the existing Constitution, the security from the Sheriffs is to be given before the first judge of the County Court; and although there was no doubt or uncertainty on this subject when the Constitution was adopted, yet as one of the Judges of the Supreme Court is now by law made Chief Judge of the County Court, a diversity of practice has prevailed in different Counties, in taking the security from the Sheriffs. In some Counties the Chief Judge, and in others the first Assistant, has been considered as the Judge before whom the security of the Sheriff is, by the Constitution, required to be taken. To prevent any further doubt or uncertainty on this sub-

ject an amendment is proposed which is the 12th article of the proposed amendments.

The Council have also offered as an amendment, that all alterations or amendments proposed by any future Council shall be submitted directly to the Freemen and not to a Convention. Although an obvious feature in our system of government is that the people, in governing and regulating the police, are to act by their legal representatives, yet it was thought by the Council that amendments and alterations in the fundamental and organic laws should be submitted to, and decided directly by, the people, when they have been matured and proposed by a Council as their agents. This is the subject of the 13th article of the proposed amendments.

It appeared to the Council that there was an ambiguity in the 4th article of the amendments of the Constitution heretofore adopted, in relation to the apportionment of Senators to the several Counties, which we believe should be removed, and its true meaning made certain. The literal construction of this article contemplates the assignment of one Senator to each County, and the remainder of the Senators to the several Counties, according to population, regarding always the largest fraction; while the construction placed upon it by the Council of Censors who proposed the article, and by the Legislature in the year 1841, is to apportion the thirty Senators to the several Counties, according to population, giving to each County one Senator at least. The latter construction is believed to have been the one intended by the Council who formed, and the Convention who adopted, the article, a literal construction of which would have changed the number of Senators in four Counties in the State, from the present apportionment made by the Legislature in 1841. The Council believe the meaning of the Constitution should be plain and certain; the difference of opinion upon this article, in the Legislature of 1841, shows that it is not so. To remove this uncertainty, we have proposed an amendment, which is the 14th article of the amendments herewith submitted.

In presenting these several articles of amendment, it is proper for us to say, what the journals of our proceedings will clearly show, that we have been by no means unanimous in our action upon any of the important amendments proposed. Several of the Council have consented to offer to the consideration of a Convention, propositions to which they are individually opposed, believing that the freemen have a right to be heard thereon. The final action of the Council, which proposes these articles of amendment for examination, and for the consideration of a Convention, has probably been much influenced by a belief, that many have anxiously desired to have these matters laid before the freemen for discussion, in

their primary assemblies. With this wish we have complied, willing to leave these important questions for their decision, to be by them disposed of as they may think most conducive to the welfare of the whole.

By order of the Council of Censors.

CHAS. K. WILLIAMS, *President.*

J. N. POMEROY, *Secretary.*

I hereby certify that the foregoing pages, from 1 to 88 inclusive, exhibit a true Journal and Record of the proceedings and doings of the Council of Censors, elected by the Freemen of this State, on the last Wednesday in March, one thousand eight hundred and forty-eight, at their three several Sessions, at Montpelier and Burlington.

JOHN N. POMEROY, *Secretary.*